



# CONSPIRACY UNVEILED

(NARIMAN-PATEL CONTROVERSY)

By

KHURSHED D. ANKLESARIA. B. A.

WITH A FOREWORD

By

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The author remembers:—

Mr. B. G. Horniman, the most outstanding journalist of our country for writing the Foreword to the book.

Dr. G. Y. Chitnis, the president of the Bombay Citizens' Committee, for guidance and whole-hearted co-operation in this work.

Mr. Maneckji Cawasji Patel for contributing a chapter in the book.

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Correspondents who contributed in the "Bombay Sentinel" and other newspapers on the subject and whose articles appear in the last chapter of this book.



DEDICATED

to

all those who suffer because  
of miscarriage of justice at  
the hands of those in power.

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# Foreword

## THE WRONG MUST BE RIGHTED.

It is a great pleasure to me to commend this book to the public in this country. By the people of this city in particular it will be eagerly welcomed both as a tribute to Vir Nariman and a historical record of the discreditable methods by which he was deprived of the leadership of the Congress Party in the Bombay Legislative Assembly and, as a consequence the Premiership, and subsequently ousted from the Presidentship of the Bombay Provincial Congress Committee.

The outrage that was thus perpetrated by Sirdar Vallabhbhai Patel, whose ambition seems to be solely the attainment of personal power and dictatorship, is one to be resented not only as a grave wrong to an individual; it is also a wrong to the people who elected that individual to the highest pinnacle of political popularity because he had served them through good fortune and ill, made unparalleled sacrifices in the country's cause and was their choice—the man whom they—the people—wanted as their Leader and their Premier.

That the popular wish could be so flouted as it was in the Nariman episode would have been thought incredible,

had it not happened. But everything connected with the affair would have been thought incredible had it not happened, particularly the inexplicable and deplorable conduct of Mahatma Gandhi.

I hope and have no doubt that people will buy and read this book in large numbers. Every Indian man or woman, who cherishes the ideal of the Congress, should cherish also this history of an individual which has left an indelible stain on the pages of Congress history. It is yet the duty of the people of Bombay to see that, if that stain cannot be erased the wrong done to Vir Nariman and the people by unscrupulous seekers after personal power, shall be righted. Until that aim is achieved the people of Bombay cannot and will not rest.

B. G. HORNIMAN.

Bombay, May 21, 1938.

## CHAPTER I.

### A SHORT LIFE SKETCH OF MR. NARIMAN.

#### Birth and Education.

Mr. Khurshed Framji Nariman was born about fifty years ago in Thana where he obtained his early education; while yet a child he lost his father and afterwards he was taken to Poona where he continued his education in the St. Winston Jesuit School; he successfully passed his Matriculation examination and entered the Deccan College for higher education; throughout he had a very bright career and always passed his examinations with a high second class; he was awarded numerous scholarships and prizes and entered his studies for the LL.B. as the Equity Scholar; it was during this period that he first began to take interest in politics.

While most of the students were whiling away their spare time in all kinds of games and sports, Mr. Nariman used to participate in all the political meetings and imbibed his first lessons in nationalism from the great leader, Lokamanya Tilak, who was then at the height of his popularity. Being essentially a man of independent disposition and fired with an enthusiasm to render service to his motherland, Mr. Nariman apart from his college studies, devoted himself heart and soul to a serious study of politics. One incident may be recalled from his college days, which amply testifies to his spirit of fearlessness and independence; in the Deccan College a serious dispute arose between the students and the college authorities over the college gymkhana. Mr. Nariman with the help of some students arranged a mass meeting to protest against the college authorities. Mr. Nariman was the principal speaker and he vehemently cri-



ticised the Principal and the staff in their presence. The authorities as usual threatened to take disciplinary action against him and expel him from the college, but Mr. Nariman would not budge an inch from his position and ultimately the authorities had to yield and drop the matter.

### **Bachelor of Laws.**

Then he came to Bombay to commence his career as a law student; he had to earn his living as court interpreter during this time to enable him to prosecute his studies further; after two years of hard work, he secured his degree of the Bachelor of Laws and commenced his practice in the Police Court; his financial position was so precarious that he had to borrow money to pay for his Sanad. But soon he achieved a phenomenal success as a lawyer in the Police Courts. He appeared in almost all important cases and one characteristic of his professional activities was that he was always ready to take up a case which involved the question of self-respect or unjust treatment or humiliation of an Indian at the hands of an arrogant white official; he always espoused the national cause and in all such cases he invariably lent his services free. One incident in his professional career will indicate the trend of his mind. A certain Magistrate grossly insulted a junior Hindu lawyer, and Mr. Nariman took up the matter merely on the ground of principle, although he was in no way connected with the incident and mainly through his efforts a meeting of the Police Court Bar Association was called, in which it was decided to boycott the court of that particular Magistrate till he made amends to the Junior Lawyer. The Magistrate's court was boycotted but ultimately through the intervention of Mr. Jinnah, the Magistrate made amends by making a statement from the bench and thus the incident was closed.

Another instance of Mr. Nariman's unceasing efforts to fight the autocracy of the whites, whether official or non-official is furnished by the zeal and perseverance displayed by him in espousing the cause of the students of the Elphinstone College who were being harassed by some arrogant European neighbours. He fought out the case rejecting several attempts at dishonourable compromise till he succeeded in getting the offending party fined. The students gratefully appreciated his services and presented him with a beautiful silver casket and address. Numerous other examples could be given in which Mr. Nariman always stood by the public and protected their civil rights.

### **Bar Association.**

For some time Mr. Nariman worked as the secretary of the Police Court Bar Association and in that capacity missed no opportunity of making the voice of the association felt on all important questions; from the beginning of his career he never confined himself to his profession alone as many lawyers do, but participated in all movements of importance and made voluminous contributions to the press; then he took up the municipal matters and about twenty years back contested a seat on the corporation from the Girgaum Ward; it testifies to his immense popularity even in those days that he was returned by an overwhelming majority, inspite of very keen contest; his long record of various services to the Corporation clearly shows that he was a man entirely disinterested in motive, fearless and independent in criticism and sincerely desirous of rendering all possible service to the public. It has been a very clean record of services and not even his worst enemies will be able to point out a single instance in which he lapsed from his public duty or betrayed the public trust. It was he who first directed his attention to the various types of jobbery

and particularly exposed the huge acquisition scandal. His presence in the Corporation was thus always a check and an effective safeguard against misappropriation of public funds. One notable service that he rendered to the public of Bombay is alone sufficient to secure his place in the Civic Hall for years to come and that was the fight he put up against the Tramway Company, securing for the citizens a lasting benefit and resulting in an annual saving to the travelling public of nearly fifteen lakhs of rupees. Those who were witnessing this severe contest of Mr. Nariman against a powerful and wealthy company backed up by municipal executive and capitalistic interests can very well testify to the courage and fearlessness with which Mr. Nariman fought. He worked day and night to secure the material and ultimately achieved a dramatic victory and few will forget the wild scenes of demonstration in the Municipal Hall itself by the anxiously awaiting public, when almost at the very last moment he came with a Sheriff's officer and served the prohibitory order on the President when he was on the point of making adverse announcement on the question of Tramway fares.

### **Bawla Murder Case.**

One of the most sensational and famous trials of recent times with which Mr. Nariman was associated was the Bawla Murder Case. He was informed of the tragic incident in the early hours of the morning a few hours after the death of his friend Mr. Abdul Kader Bawla and he was amongst the first to be on the scene. From that date representing Mumtaz Begum throughout the trial, he evoked a great deal of interest and devoted his entire time and energy to the case; his was the brain behind that memorable trial which ended in the conviction of several high officials of the Indore State. He presented a lengthy petition to the Viceroy

on behalf of his client, Mumtaz Begum and that was the only material on which the Government of India took action against the Ruler of Indore, Sir Tukojirao, who was obliged to abdicate in favour of his son. There were several other cases from the same State. In one instance through his efforts two ladies who were practically imprisoned in a fortress in that State were released after a long and tedious period of 12 years.

Although a very clever and eminent lawyer and fully engrossed in his professional activities, Mr. Nariman did not think of making money; he paid considerable attention to public affairs outside his profession. Along with his professional work he always attended the meetings of the Corporation, the Standing Committee, Improvement Trust and later on the Legislative Council; but it must be admitted that he came into prominence chiefly as the most outstanding critic of the Development Department.

### **The Development Scandal.**

Before the development bubble actually burst, it was looked upon by the public as the greatest achievement of the British administration of the modern times and the people were taken in by the glowing and exaggerated accounts of its supposed benefits and profits to the city; but Mr. Nariman and a few others were not fooled by these cheap publicity stunts; he along with the enterprising and powerful editor of the "Bombay Chronicle", Mr. B. G. Horniman, denounced the scheme as extravagant and wasteful and warned the credulous public against the alluring forecasts and figures supplied by the interested officials. In view of what has come to light, that warning proved all the more significant and surprising.

Mr. Nariman first started his campaign in the press and contributed a number of articles under the heading "the Development Scandal"; after a strenuous campaign on the platform and in the press, he sought election to the Legislative Council and it is worthy of note that he topped the polls by an overwhelming majority of votes; it redounds to his credit that he sought election from the most intelligent and educated ward in the city and all voted for him irrespective of caste, colour or creed.

That by itself shows the hold he has over the electorate; as in the Corporation so in the Council he never betrayed the trust that the electorate placed in him; his perseverance, devotion to duty, his fearless and independent judgment and his extraordinary courage made him quite worthy of that universal confidence and trust that the public reposed in him; exposing of the development scandal was no doubt his principal activity in the council but he was also prominent in all important debates in the council and one of the most powerful and staunch advocates of the public cause.

The Harvey-Nariman case is even to-day too fresh in the minds of the people to need any recapitulation. After Mr. Nariman was acquitted by the trying magistrate of all the charges that Mr. Harvey brought against him, the enthusiasm of the public knew no bounds. For days together Mr. Nariman, the Back Bay hero, was the recipient of numerous congratulatory addresses, presents and gifts. His popularity in Bombay increased by leaps and bounds and he came to be known as an intrepid critic and opponent of the British Government.

#### **His Other Activities.**

His efforts in the direction of the Rent Act are well-known to the tenants and the ratepayers of Bombay; so

on the question of labour, unemployment, development of indigenous industries, the local self-government, he was the most out-spoken and trenchant critic of the Government.

His speeches made the position of the members of the Government so uncomfortable that they often they had to leave their seats and retire. In fact it can be said without exaggeration that no other member in the council was so persistent, so insistent and so uncompromising an opponent of the Government as Mr. Nariman.

There were various efforts made to curb his enthusiasm and to win him over but Mr. Nariman resisted these attempts. He was one of the very few who refused to submit to any official blandishment and never attended any official or semi-official social functions which are generally arranged to capture some of the inconvenient opponents.

He worked on several committees on the Bombay Corporation for several years, and only three years back he was elected the Mayor of Bombay. He set a great example for the first time, after the late Mr. Vithalbhai Wadia as the Mayor of Bombay, attending the municipal offices the whole day and hearing the several complaints of the public. Along with the Municipal Commissioner, he visited the different wards weekly, meeting and complaining ratepayers and setting the things right as far as possible. His personal calls and visits to the workmen's chawls exposing the great scandal, made him so very popular that a move was made to elect him as the Mayor for the second year, to enable him to complete his work at that end, but he very gratefully declined the honour.

#### **Public Leader.**

It is true that Mr. Nariman fought against the Government on the basis of certain specific issues. Till 1928 he had

not given his agitation a concrete ideological form; but when the Bombay Presidency Youth Conference was organised in 1928 and Mr. Nariman became President, he had an ample opportunity of formulating his political programme. Under his able and inspiring guidance, the Youth Conference declared its resolve to fight for complete independence and carry on the anti-imperialist struggle in alliance with the workers and the peasantry. At a time when the Congress leaders were engaged in the task of framing a constitution of Dominion Status, Mr. Nariman in his presidential address declared that Dominion Status was not enough and that we must fight for complete independence involving severance of all connection with the British Empire. It was a unique event in the entire political history of our country that thousands of youths gathered together in a conference under the leadership of an energetic and uncompromising leader like Mr. Nariman and with one voice completely broke away from the ideology of the older generation of Congressmen. Thenceforward Mr. Nariman became pre-eminently the leader of the youths in the country and when the Youth League was formed as a matter of course he was elected its first President. At this time Mr. Nariman did not occupy any prominent position in the Congress in spite of his past record of selfless services, partly because being at that time just a little over forty, he was considered too young and inexperienced for any high office but chiefly because his uncompromising anti-imperialism jarred upon the ears of the older Congress leaders who had fixed their hopes upon the White Hall; but in all Congress activities Mr. Nariman took an active and leading part. The boycott of Simon Commission became so effective in our city which resounded with the cries of "Simon, go back", mainly through the efforts of the Youth League and its President.

At its Lahore session the Indian National Congress declared complete independence as its political objective. The interview that Mahatma Gandhi and Pandit Motilal Nehru had with the Viceroy previous to the session proved an utter failure and both Gandhiji and elder Nehru had no other alternative but to unfurl the flag of complete independence and prepare for civil disobedience. On the eve of this historic movement Mr. Nariman was elected President of the Bombay Provincial Congress Committee and in that capacity organised and led the movement of illicit manufacture of salt. The example set by the President of the B.P.C.C. thrilled the whole city into action, the Parel area, not being excepted. He had the homes of people filled with the music of the charkha. The movement was so well organised in Bombay that it elicited enthusiastic praise from the Mahatma and the credit for it goes in no small measure to Mr. Nariman. Thrice he was arrested and thrice was he sentenced to long terms of imprisonment on the principal charge of law breaking. Nearly three years he spent in jail.

### **His Two Books.**

After his release from jail he published his two books "Whither Congress?" and "What Next?"; a separate chapter is devoted to a review of these two very important and vital contributions of Mr. Nariman to the Indian political thought. These two books created a flutter in the dovecots of Congressmen and efforts were made to dissuade him from publishing these two books; but Mr. Nariman felt that what he had to say on the political development of the country could not be left unsaid and if he did not say it there was nobody to do it for him. Therefore actuated by the highest motive of patriotism and the political well-being of the country, he penned the lines which more than anything else resulted



in his undoing as the subsequent chapters will show. The events that occurred in 1937 which deprived him of the legitimate position of leadership, are the direct result of his frank and fearless criticism of the orthodox semi-religious ideology of Gandhian nationalism. In this sense we can say that Mr. Nariman has paid the penalty for being truthful, frank and honest.

In the meanwhile Mr. Nariman became a member of the Working Committee, a member of the All-India Parliamentary Board, President of the City Parliamentary Board, Chairman of the Reception Committee of the Bombay Session of the Congress. He was also selected by the All-India Parliamentary Board to contest election to Central Legislative Assembly in 1934. The history of this tragic incident is given in a separate chapter. In 1936 he was also selected as a candidate for the Bombay Provincial Legislative Assembly and was elected at the top of the polls. At the end of 1936 he was entrusted by Sardar Vallabhbhai Patel with the most delicate and difficult task of settling dispute about the Congress candidates in C.P. Thus along he enjoyed the confidence and trust of all leading gressmen including Sardar Vallabhbhai Patel; but in the second month of 1937, the scene suddenly changes. There are whisperings going on. Interested parties begin to hint at some crimes of Mr. Nariman. There are consultations held in Bombay, Poona and Wardha, and the result was that when the meeting of the Congress M.L.A.'s took place in the Congress House to elect the leader of the Congress Parliamentary Party, Mr. Nariman in a very inexplicable manner, was unceremoniously brushed aside and Mr. B. G. Kher was chosen. To add insult to the injury the Working Committee declared Mr. Nariman to be utterly unfit to occupy any position of trust and responsibility.

This is the reward Mr. Nariman has received for his selfless record of service, for his boundless courage, for his numerous sacrifices and untold sufferings, for his love of truth and honesty: but the chapter of his life is not closed yet: When the present regime of the intriguing, sychophantic, flattering mediocres will be overthrown, as it must surely and inevitably be overthrown if India is to achieve her complete independence, Mr. Nariman will surely come into his own and occupy his former position of leadership in the political life of the country. Then a new chapter will begin in his life which will synchronise with a new political awakening in the country; and we hope that more capable pen than ours will then deal with that part of his biography.

## CHAPTER II.

### THE ELECTION OF THE LEADER OF THE CONGRESS PARTY 1937.

The Congress having won majorities in six Provincial Legislatures, was faced with the question of the election of the leader of the Congress Legislature Party in different Provinces. It was universally expected that Rajaji in Madras, Sarat Chandra Bose in Bengal, Pandit Pant in U.P., Dr. Khare in C.P., Dr. Khan Sahib in N.W.F. Provinces and Khurshed Nariman in Bombay would lead the Congress Party in the Legislatures. These expectations came true in all the provinces except that of Bombay, where, Nariman the acknowledged leader of the province was let down in favour of Mr. B. G. Kher.

Nariman was the one person among the Provincial Congress M.L.A.'s to have an all India reputation. Nariman was the Mayor of Bombay and in that capacity acquired a great reputation as a sound administrator. For seven years he occupied the chair of the B.P.C.C. and guided the destinies of this vast city and its suburbs. His bright record of selfless patriotic service to the motherland has endeared him to all. He was elected at the top of the polls, to the Bombay Legislative Assembly. Loved alike by all shades of Congressmen, Nariman had no equal in the Presidency. He was the idol of the student world. The youth of the country had no greater organizer and exponent of their ideals and their emotions than Nariman. Nariman's claim to the leadership of the party was based on the record of his service and sacrifice. Even in Bombay, few knew Mr. Kher. Whatever his other virtues, his election amounted to supersession of Mr. Nariman who stood at the helm of Congress



Nariman nor Munshi would be the right person. Their idea was that Sardar Vallabhbhai should be the leader and failing him Mr. Kher should be elected. Being of that opinion they approached Sardar Vallabhbhai, pressed him to accept the leadership. Sardar Vallabhbhai declined. Messrs. Deshpande, Deo, and Patwardhan mentioned the matter to Pandit Jawaharlal and Mahatma Gandhi at Wardha where they had gone in connection with the Congress matters. As Sardar Vallabhbhai persisted in his refusal, they suggested the name of Mr. Kher and asked Sardar Vallabhbhai's opinion on the question. According to them Sardar Vallabhbhai had no objection if Mr. Kher could be induced to accept the heavy responsibility of a leader. Upon that Messrs. Deshpande, Deo, and Patwardhan undertook to persuade Mr. Kher to accept the leadership.

In the beginning of March, the three leaders of Karnataka, and Maharashtra came to Bombay and interviewed Mr. Kher. They left Bombay for their respective districts on the 4th of March.

It must be made clear here that the election of the leader of a Party is a matter to be decided wholly by the members of the Party and by no outside agency. Left to themselves there is not a shadow of doubt that the Congress M. L. A.'s would have elected Mr. Nariman as their leader. No sooner was the result of the general election out, than a move was set afoot immediately to see that Nariman was out of the picture in the election of the leader. Thus, the so-called leaders could not achieve without public discontent. So it was easy for these interested personages to make the best out of a bad bargain by asking Vallabhbhai himself to take Nariman's place. Vallabhbhai not being favourable to this idea, the choice fell on Mr. B. G. Kher, a legislator elected from the Bombay Suburban District. This move by the trio

seems to be a very diplomatic one. Those who know Mr. Kher testify to his being a very harmless person and a gentleman. He was known to be an inoffensive person and it was expected that such a man's election was not likely to meet with any bitter opposition. Again, the bulk of the Congress M. L. A.'s were Maharashtrians and they were very strongly in favour of Nariman. To pacify to a degree any future opposition from Maharashtra, it was calculated that the Maharashtrian M.L.A.'s mouth would be shut by the election of a Maharashtrian as the leader of the Party.

The most tragic and heart-burning part of this affair is that Gandhiji and Jawahar, were privy to this unholy crusade against Nariman. It would be childish and futile to imagine that when the leaders from Maharashtra and Karnatak approached Gandhiji and Jawahar, with the suggestion of Kher leading the Congress Party, they should have failed to smell the mischief.

On the 8th March 1937 i.e. four days before the meeting of the members of the Bombay Provincial Congress Party in Bombay, most of the Maharashtrian M.L.A.'s assembled at Poona and passed a resolution recommending Nariman for leadership and deputing one of their senior members to give effect to the said resolution in the Bombay meeting. The Associated Press Report of this meeting appeared in all the Bombay Papers on the 9th March; The "Bombay Chronicle" giving a head line "Nariman as Prime Minister." Sardar Vallabhbhai Patel who was at Ahmedabad on the day the said report appeared in the Press, sent the following two telegrams:—

1. Telegram dated Ahmedabad 9th March, Shankar Rao Deo, Care of Congress, Poona. Poona Reports Causing anxiety—Achut you must meet me Bombay Thursday.

Sd. Vallabhbhai.

Press and various allegations against the Sardar have been made in this connection. But I was myself partly instrumental in sending these telegrams. I drew Sardar's attention to the Poona telegrams published in the "Bombay Chronicle" and told him that all the Congress members of the Legislature should be assembled together in order to elect their leader and that a great deal of confusion and bitterness was likely to be caused by the recommendation of different leaders by small groups of M.L.A.'s and by the various Provincial Congress Committees. It was due to this suggestion of mine that the Sardar summoned Messrs. Deshpande and Patwardhan to Bombay for full conversation." (Bold ours).

Dr. Chandulal Desai then proceeds to castigate Mr. Nariman for breach of discipline. He goes to the extent of saying that by publishing his book 'Whither Congress', Nariman had committed a crime for which he would have been court martialled in other countries. Whatever value we may attach to Dr. Chandulal's opinion, the fact which emerges out of his lengthy statement is that he himself was against Mr. Nariman being elected to the leadership of the Congress Party and hence his advice to Sardar to send those telegrams.

The statement of Dr. Chandulal needs no comment. It is a contradiction of the statement of Shankarrao Deo, and others. There is no reference to the Maharashtrian M.L.A.s' decision on office acceptance and the supposed upsetting of the Sardar over it. It makes clear that the Poona leaders were summoned with only one purpose and that was in connection with the election of the leader of Congress M.L.A.'s. In the light of this statement by a prominent leader of Gujarat, the statement of Deshpande, Deo and Patwardhan is nothing but a travesty of facts.

Persuant to the telegrams, Sjts. Shankarrao Deo, Achut Patwardhan and Deshpande met Vallabhbhai in Bombay on Thursday the 11th March—one day prior to the historic

meeting of the M.L.A.'s and were closeted with the Sardar at his son's residence. Meanwhile the Maharashtra and Karnatak members arrived in Bombay on the same day and put up at the Sardar Griha. After the above meeting the three leaders went to Sardar Griha and met the other members.

As to what passed at Sardar Griha on the night of the 11th between the elected members of Maharashtra and Karnatak and Messrs. Deshpande, Deo and Patwardhan, we have to rely on the written statement of Messrs. Deshpande, Deo and Patwardhan in this connection. The gist of their statement is that they being the leaders of their respective districts considered it their right and duty to give their opinion to the legislators of their respective districts so as to guide them in the choice of their leader. On the basis of such right and duty they expressed their opinion against Mr. Nariman, whom they had known personally for years. They say that they gave at the same time their reasons for not approving Mr. Nariman as the leader. From their statement it appears that **one or the other of them had mentioned that in Sardar Vallabhbhai's opinion Mr. Nariman was not desirable.** They also stated that **Mr. Kher's name was discussed at Wardha and not disapproved by Pandit Jawaharlal Nehru or Gandhiji.**

Thus by a cunning and subtle method these 'leaders' managed the Maharashtra and Karnatak groups. Sardar Vallabhbhai was the President of the Congress Parliamentary Board—it was he who was instrumental in securing their election in the Assembly under the new constitution—he had opined 'Nariman was not desirable', and now they were not going to incur the wrath of their 'King Maker' by electing an 'undesirable person' as their leader. Over and above all the sentimental appeal of the approval



of Kher's name by no less persons than Mahatma Gandhi and Pandit Jawaharlal would not fail to achieve the desired result. Thus the plan was water-tight as far as Maharashtra and Karnatak were concerned. Now only Gujarat remained and the Sardar carried 'the opinion of Gujarat in his pocket.'

This incident at the Sardar Griha, makes a painful reading. However, the one relieving factor is that it explodes the myth that the Sardar did not interfere in the election of the leader of the Congress Party in the legislature. His assurance to Nariman of his desire to remain neutral in the election affair, which he gave at Worli, a week back was not adhered to.

The meeting of the Congress M.L.A.'s of the Bombay Legislative Assembly and the Bombay Legislative Council was held to elect the leader and other office bearers of the party, and to determine other questions relating to party organisations on the 12th March 1937 at 5 p.m. at the Congress House. Mr. Nariman and 10 others absented themselves from the meeting. What took place in the meeting could partly be judged from some relevant passages quoted below from the official report released by the authorities, as the Press was not allowed to be present.

Sjt. Mangaldas M. Pakwasa was unanimously elected the Chairman of the meeting.

After some discussion, it was decided that Sardar Vallabhbhai, Deshpande and Shankarrao Deo should give their advice to the meeting on the choice of the leader of the party after ascertaining the views of the members present.

The meeting adjourned for tea, during which interval the leaders had consultation with several members.

On resumption of the proceedings, Sardar Vallabhbhai and Deshpande addressed the meeting. Both he and Desh-

pande declared that they felt the general opinion was in favour of Mr. B. G. Kher.

Sjt. Pakwasa put the resolution from the chair that Sjt. Kher be elected as the leader and the proposal was unanimously(?) carried.

We are told that a unanimous decision was arrived at in the election of Mr. Kher. However, it is learnt that ten members including Sjt. Nariman were absent from the meeting and fifteen members, present in the meeting refrained from voting. The official report is wanting in many other details.

It was decided that Vallabhbhai, Shankarrao Deo, Deshpande and Patwardhan should give their advice to the meeting on the choice of the leader. It is left to us to solve why no 'Bombay leader' was accorded the same privilege in advising the meeting as these Maharashtrian and Karnatak leaders were. In the open meeting, it is learnt, that the Sardar remarked that 'Bombay had no leader' and Mr. Munshi, who is always ready to have a fling at Nariman, supported Sardar's contention by his suggestion that the Sardar was the acknowledged leader of Bombay. These remarks implied an attack on Nariman who was the President of the B.P.C.C. for the last 7 years. Even a school child in the Presidency knows that Bombay's one and only leader is Nariman.

Shankarrao Deo being the Leader of Poona, gave advice on behalf of the Maharashtrian Congress M.L.A.'s who had decided on the 8th of March to have Nariman as their leader. This was before they were influenced at the Sardar Griha by their 'Leader'.

Sjt. Deshpande is the 'Leader' of Karnatak and he had the privilege of advising the Karnatak group. It is not known why Mr. Hosmani, M.L.A., the acknowledged leader

of Karnatak was entirely ignored? He was the President of the Karnatak Provincial Congress Committee and in charge of the Parliamentary Committee of that province. If accredited leaders of the provinces were to be consulted for honest official discussions, Sjt. Hosmani and not Sjt. Deshpande who occupied no official position in Karnatak Congress, should have been invited. It seems that Sjt. Hosmani was rejected because he may not have been found to be accommodating enough, and hence could not be trusted with such a delicate and confidential task. Gangadharrao proved and turned out to be a 'safer friend', for such a purpose.

Achut Patwardhan can be said to speak on behalf of the Socialist Party, but, it is yet to be learnt of individual socialist or the official socialist party to be unfavourable to Nariman's election as the leader.

All the statements we have used are those from the published official reports and correspondence issued by the friends of Sardar Vallabhbhai defending him. We have not taken a single statement from those who were friendly and partial to Mr. Nariman. It is not difficult to imagine what must have happened. If there is no evidence of Sardar Vallabhbhai's direct interference in the election of the leader it was simply because his direct interference was not necessary. He had merely to express his wish that he did not want Mr. Nariman as the leader and his lieutenants, Messrs. Deo, Deshpande and Patwardhan were quite willing to see that his wish was carried out. We do not desire to say anything more on this question but from the facts we have adduced, it is quite clear that there was a very sordid and mean conspiracy to oust Mr. Nariman from the position of leadership and in that conspiracy Sardar Vallabhbhai Patel and Messrs. Deo Deshpande and Patwardhan were the principal actors.

## CHAPTER III.

### PUBLIC PROTESTS AND DEMAND FOR AN INQUIRY.

Next to Gandhiji, the Sardar is the most powerful Congress leader in the country. Ever since his heroic fight for the agriculturists of Bardoli, he had maintained his position as the right hand man of Gandhiji, and the foremost leader of Gujarat. Incidents, however, are not wanting to show that the Sardar was an autocrat of the autocrats, and whoever incurred his displeasure was unceremoniously thrown out from his position and persecuted. Loyal Congressmen supported such actions of the great Sardar, and the Gujarati Press always sided with him. But the Sardar was wrong in counting upon the same support and loyalty in overthrowing Bombay's beloved leader, Mr. Nariman.

The election of the leader on 12th March, was over, the Sardar was leaving the Congress House when an anxious crowd waiting outside to hear the result, greeted him with loud cries of "shame". It was for the first time in Bombay, when the great Sardar was thus greeted. It seems that this cry was the death-knell of the Sardar's popularity in Bombay. Since March 12th, 1937, the Sardar has ceased to command the respect of the thinking public of Bombay. The people began to abuse him openly, and were reluctant to call him even 'Sardar'.

The day after the election, Bombay presented a sad spectacle. Wherever one went, there was only one topic of discussion—what had Mr. Nariman done to merit this treatment? The Sardar shook Bombay from its very foundation. Nariman was held in high esteem not only in the Congress circles, but he was the people's man and the greatest resentment was felt amongst the citizens irrespec-

tive of class or creed. The entire nationalist Press which so far had pledged absolute loyalty to the Congress, criticised severely the betrayal of Mr. Nariman by the M.L.A.'s. The man in the street demanded a fresh election. A prominent Congressman said that if a plebiscite was taken, Nariman would be elected as the leader in preference to anyone in the presidency. Strongly-worded articles appeared in a nationalist English paper, vehemently denouncing the election as 'undemocratic' and 'arbitrary'. People openly began to accuse the Sardar of having interfered with the election. It was felt that steps should be taken to organise agitation to give vent to the injured feelings of the people and to secure justice to Mr. Nariman at any cost.

On Monday the 15th March, Mr. Nariman issued the following statement to the press:

A controversy has arisen in the press over the election of the leader of the Congress Party in the Bombay Legislatures and friends have been persistently wishing to know my attitude. I feel that I must make one point clear, and convey an assurance at once, that whatever happened as a strict disciplinarian and loyal Congressman, I shall never forsake my post of duty or swerve an inch from the part of loyalty.

Whatever individual claims or grievances might be, one has to submit cheerfully and ungrudgingly to the majority verdict freely and properly obtained. It is not for a soldier or a sentinel to select his post of duty. It is for him to carry out whatever duties are assigned to him by the high command.

It would be less than honest to say that events like last Friday's election do not affect one's personal feelings, but I have enough sense of discipline and public duty not to allow any such feelings to interfere with national work. I look upon it rather as one more test of my loyalty to Congress. And even as a camp follower I pledge myself

to carry out, earnestly and conscientiously all the behests and mandates of my party.

I have long since realised that in public life occasions come when private feelings have to be suppressed and individual opinions subordinated. So long as Mr. B. G. Kher is the elected leader of our party, we must pledge our whole hearted and devoted co-operation to him in the difficult task which is ahead for him.

To loyal Congressmen the Working Committee is the highest authority and tribunal to deal with all internal issues. That Committee is now meeting in Delhi. They have sufficient powers of supervision and control and all ultimate decisions must rest with them.

I, therefore, appeal to my friends, particularly the nationalist press, not to allow their enthusiasm and personal kindness unwittingly to injure, in the slightest degree the cause which is foremost in our hearts.

Unity and solidarity are the supreme needs of the moment. We have reached a new stage in our fight. Let us approach our new task in perfect team spirit, with full concentration on the one great objective and goal, Poorna Swarajya. Before that tremendous task, all other issues must fade into insignificance and all other considerations must be subordinated.

We have given the whole statement of Mr. Nariman to show the part he played during those excited days of March, when with such public following as he had, a lesser person in his place would have acted otherwise, and allowed the fury of the masses to go unchecked. He from the very beginning dissociated himself entirely from the agitation. He put his sense of discipline and loyalty to the Congress above his personal feelings. Throughout this controversy there is not one act of Nariman, that with the widest stretch of imagination could be said to bring the least discredit on the National Congress which he was pledged to serve. This attitude shows the sterling worth of the man. He pledged himself to abide by the unjust decision but pin-

ned his faith on the Working Committee to revise the result, if any interference was found. Nariman's great weakness is that he judges other people by his own standard of conduct. To have expected any justice from the Working Committee, composed among others, of the very persons who had been the cause of this monstrous injustice, was expecting too much.

Needless to say that Nariman's appeal to stop the agitation fell flat on the public. For twenty-five years, Nariman had dedicated his life to the cause of his country. Sincere and selfless Nariman had sacrificed a most promising career at the altar of "service". Without the least expectation of any return or reward, Nariman had enhanced the reputation of the Congress in the city and the presidency at large, by his singular example of a spotless public career. To cease agitation would have meant tacitly and finally consenting to the injustice done to him for which the public was not prepared. Nariman's rejection also involved a principle of grave concern to the public. If repetition of 'Nariman incident' were to take place, Congress would be an unsafe institution for the people to remain with. The people were eager to see that the premier national democratic body was purged entirely of undesirable autocrats of the type of the Sardar.

That indefatigable editor Mr. B. G. Horniman of the "Bombay Sentinel" in its issue of the 15th March, wrote a strong and convincing editorial attacking the election and the M.L.A.'s who took part in it. Mrs. Maniben M. Manji and twenty other city and suburban voters in an open letter, requested Mr. Kher to resign his position, as the election was one "which does not commend itself to us for many reasons". Mr. L. R. Tairsee, a great nationalist and the fire-brand corporator and citizen of Bombay, wrote,

"Bombay should put up no more with the 'Johukumi' of Vallabhbai, and that the long maintained farce had been exposed." Mr. Velji Khimji, Managing Secretary of the Bombay Grain Merchants' Association, (consisting of 3000 members, who voted solidly for the Congress) addressed a letter of protest to the President of the All India Congress Working Committee.

A requisition signed among others, by Dr. Javle, an ex-Mayor of the city, and several other leading Corporators, was sent to the Mayor by Mr. E. R. Hirjibehdin to convene a special meeting of the corporators in this connection.

The All India Students' Federation also condemned the election.

A meeting of Marwari Sammelan while condemning the rejection of Nariman as the leader, expressed that "the procedure adopted by certain leaders in this connection to oust Nariman was most irregular and highly objectionable."

A meeting of the Executive Committee of the Youths' Association held on 16th March, unanimously protested against 'the Fascist methods and intrigues adopted by the Congress High Command.'

At the annual general meeting of the Byculla Congress Committee, it was demanded that 'the election must be set aside and fresh election should be conducted without the intervention of outsiders other than Congress M.L.A.'s.

In the annual general meeting of the 'A' Ward District Congress Committee, the undemocratic manner in which the meeting of the elected members of the Congress Party in the Bombay Presidency Legislature was conducted, was duly discussed.

A mass meeting of the citizens of Bombay attended by twenty-five thousand people, was held at Chowpatty on the



evening of the 18th March to protest against the supercession of Nariman as leader of the Congress Assembly Party. Mrs. Urmilla Mehta presided and the speakers included Messrs. B. G. Horniman, Babrekar, Hamid Ahmed, R. G. Nadkarni, Ezekiel, H. P. Kothare, Appa Pendse, M. Ankle-saria, Manekji Patel, K. T. Chandy and Miss Nariman. Speaker after speaker expressed himself vehemently against what each described as "Fascist tendencies" in the Congress High Command. The President Mrs. Urmilla Mehta sent the following telegram to Pandit Jawaharlal, the President of the Indian National Congress.

"Mass meeting 25,000 attended. Condemned undemocratic methods. Appeals Kher resign. Declares confidence Nariman. Request President intervene. Details follow."

A petition signed by more than 20,000 people was sent to Pandit Jawaharlal, requesting him to set aside the election and order a fresh one.

Janjira People's Union, Bombay, in a meeting held at Chowpatty, protested against the election of the leader and appealed the President to reconsider the decision.

The entire Gujarati Press, practically with one exception, turned on the Sardar. No word was spared in attacking Sardar's conduct in the election affair.

It was calculated that because Mr. Kher was a Maharashtrian, at least the Maharashtrian Press will spare the Sardar of the attack, but on the contrary it attacked him in no unmistakable terms for attempting to be the Dictator of the whole of the Presidency and for ousting one who was loved alike by Gujarat and Maharashtra. The Indian-owned English Press, both inside and outside the Presidency were upto the mark in exposing the Sardar's autocracy and criticised the M.L.A.'s for being such dummies as to throw away their judgment and discretion to the winds.

Diverse political groups and units who are known to fight over all kinds of issues were for once united in condemning this outrage on just and democratic principles of public life.

Trade Unionists and working classes threw actively on the side of Nariman and the student world in Bombay was in ferment over the Sardar's dictation.

In the very loyal Congress circle itself, great resentment prevailed at Sardar's insinuation that Bombay was leaderless.

Among the professional classes the lawyers were unanimous in their opinion that great injustice had been done to Nariman and that steps should be taken to get things righted.

The greatest resentment prevailed among the minority communities. They feared that if such treatment was given to such an outstanding leader as Nariman, at the hands of the Congress High Command, what would be their fate under full-fledged Swaraj.

It is impossible to do full justice to the numerous letters of protest and telegrams sent to the President to revise the decision by individuals who made Nariman's cause, their own—we would be satisfied by quoting a passage from an editorial by Mr. B. G. Horniman in the "Bombay Sentinel" describing the public feelings in no uncertain terms on this great controversial issue.

**"I have not known in all my experience any matter that has more seriously stirred the people of Bombay than this controversy, and no public journal is entitled to ignore it. It is not in the power of any one, to end this controversy either by appeals or injunctions."**

Public agitation of a nature mentioned above can hardly fail to have its effects. Within a week of the elec-

tion of the leader the position of the Congress in Bombay was seriously threatened. A discontent unheard of in the annals of the history of the Congress had set in. The leaders felt it was high time that something was done in the direction of pacifying this storm. The opportunity was availed of, at the meeting of the Working Committee which met in Delhi in the last week of March.

A statement was issued by 47 Bombay Congress Legislators present at Delhi, and sent to the President requesting him to issue a statement deprecating this agitation as interfering with the free, deliberate and unanimous choice of the party. They vouchsafed that "The choice of Mr. Kher was free and unanimous."

One wonders why the statement was signed by 47 members only, when more members were present at Delhi. If the election was unanimous and if a single vote was not canvassed by the Sardar, there should have been no hesitation on the part of the other members to join their colleagues.

On the strength of the above statement Mr. Nariman was asked to explain his position. Nariman consistent with his attitude right from the beginning, completely dissociated himself from the agitation. After hearing Mr. Nariman 'at great length' the Working Committee came to the conclusion that

"the agitation against the decision is wholly groundless and that there is no reason to interfere with the free, deliberate and unanimous choice. Had the Working Committee found improper conduct on the part of anybody or that the choice was made under any undue pressure from the Sardar as alleged, it would have certainly ordered a fresh election."

It is not stated why the President did not call forth the M.L.A.'s who had refrained from being signatories to the

statement, and demanded their explanation. Obviously that would have been the right course. It is not likely that such a shrewd leader like the Sardar would personally influence each and every M.L.A.

On the 24th of March Nariman issued a statement to the press in which he said:

"I had not appealed to the Working Committee and did not desire to revise the decision. However the issue came before it in another form; this verdict of our Highest National Tribunal must be accepted as final. Hence to all loyal Congressmen, this deplorable chapter must be treated as closed."

Two days later, Messrs. Deshpande, Deo, and Patwardhan issued an astounding statement to the Press in defence of their Sardar. We quote below the following extract from it:—

"When the question of the leadership of the Congress Party came to be informally discussed between us, we felt it our duty to ascertain the wishes of the members in order to find out a leader who would carry with him the largest measure of support from all sections of the Party. Our object in doing so was two-fold. We considered it necessary that whosoever had the backing of the majority of the members should be accepted unanimously in the interest of the Congress solidarity and the dignity of the office. Secondly in view of the intimate relationship between the extra-parliamentary activities and the programme of the Congress Party in the Legislatures, we felt it our duty to express our free and frank views before the members."

We are gratified to learn that of all the Bombay Presidency Leaders, these three alone were alive to the sense of their duty. If as they profess to claim they wanted to ascertain the wishes of the members in order to find out a leader with the largest measure of support, they should have explained the Maharashtrian M.L.A.'s decision to elect Nariman as their leader in the informal meeting on

the 8th March. Do they want us to believe that the Maharashtra M.L.A.'s had decided to play a double role of electing one candidate on the 8th of March while intending to vote against him four days later? Or is it that after the "free and frank views before the M.L.A.'s" of these leaders they changed their minds?

Yet one more attempt to absolve Vallabhbhai and restore calm in the troubled waters of Bombay was made and this time by no less a person than Pandit Jawaharlal, saying in a message to the press:

"I am quite convinced that Vallabhbhai had very little to do with the election. Even previous to the election he had told me that he proposed to keep out of it, except in so far as he did not want a Gujarati to contest the election of leadership. He stuck to the resolve and all the agitation against him is thus entirely without foundation. Bombay friends must remember that the Assembly Party consists of elected representatives from all over the Presidency. Bombay city is important, but in point of numbers it is overshadowed by Gujarat, Karnatak and Maharashtra. Maharashtra sends the largest contingent and so, inevitably the views of Maharashtra count for most. The presidency being a composite province from the Congress point of view, the position was a difficult one and members could honestly hold divergent views as to the way out of the difficulty. Vallabhbhai to some extent lessened this difficulty by keeping Gujarat out of the contest for leadership.

"Election to offices in the Congress are not the distribution of prizes or spoils. Congressmen are not out for such prizes or spoils."

The main and the only argument put forth in these lines is that because Maharashtra sends in largest contingent its views count most. But Mr. Kher though a Maharashtra is elected not from Maharashtra but from Bombay, so his election as the leader could not be considered sound on this argument. Again Maharashtra was the only province which

voted for non-acceptance of office by 43 against 41 votes as reported in the "Bombay Chronicle" of the 8th March. Consequently therefore it could not and should not have insisted on a Maharashtrian being elected as a leader for the Bombay Assembly and that too from Bombay unit. If the Maharashtrian M.L.A.'s had ever the ghost of an idea of a provincial leader, they should have proposed one instead of Mr. Nariman in their informal meeting at Poona on the 8th March.

Pandit Jawahar has also made a revealing admission of the Sardar's desire that he did not want a Gujarati to be the leader. Evidently the Sardar cannot be said to be a disinterested spectator in this election after this statement. It did not matter whom the Sardar wanted or did not want. What matters is whom the M.L.A.'s wanted as their leader, and it was not the Sardar's business to eliminate Gujarat from the election. The statement speaks volumes of the way he managed the election of the leader.

Jawahar's contention that the elections to offices in the Congress are not the distribution of prizes or spoils is sound in theory only. It must be a crime for a Nariman to look forward to a legitimate position, though it may be his absolute due, but not so, where the High Commands are concerned. They jealously hold on to their positions year in and year out as the indispensable and irreplaceable association. What may be a virtue for a Sardar is a crime for a Nariman.

Those fateful days of March 1937 came to an end with such bungling of the whole affair by the Congress High Command. Insult had been added to Bombay's injury by the attempt to perpetuate the wrong done to Nariman. It was not difficult for the intelligent public of Bombay to grasp the whole situation from the significant hasty state-

ments of the leaders one over the other. No doubt the Sardar has won a technical victory over the people of Bombay, though from a strictly moral point he had lost the battle. For want of direct evidence, which is difficult to prove in a case of this nature, the Working Committee had no alternative but to exonerate their powerful colleague. Thus a gloom was cast in Bombay while other provinces were rejoicing.

## CHAPTER IV.

### THE TRIBUNAL APPOINTED.

At times, even monstrous wrong done to persons must be allowed to go unredressed for the sake of bigger national issues. India was passing through a stage of transition, when the greatest experiment of working the new constitution was being launched on 1st April. The Indian National Congress was playing the most important part in shaping the destiny of this country. It was at this juncture that the unfortunate Nariman incident had cropped in. True, the agitation must have brought fresh troubles to the already existing ones of the Congress, and it was time that for the greater and more vital issues before the country, even this transparently clear injustice must be suffered than bring a slur on the fair name of the Congress. Mischievous people are always ready to exploit occasions like this for their own private ends. Enemies of Congress made capital out of this controversy. A section of people tried to give communal colour to the whole affair. Perhaps we may account for it as due to the minority communities being apprehensive about their rights, and honestly believing that those rights would not be safeguarded by the Congress oligarchy, if through pusillanimity, they allowed the wrong done to Mr. Nariman to remain unredressed. Mr. Nariman repeatedly and emphatically denied the slightest tinge of communalism in the whole affair, and we have no hesitation in saying that the Sardar and his colleagues were never actuated by a communal motive in elbowing out Mr. Nariman, whatever other motives they might have had. Apart from this regrettable side of the matter, the public agitation had so long been carried on by a most intelligent section of the presidency and true and loyal friends of the



Congress. They behaved in the most dignified and constitutional manner. So when the repeated attempts to undo the wrong to the city, had resulted in issuing of statements in defence of the Sardar, and appeals by the leaders to stop the agitation, the people readily though not willingly co-operated. It will be less than honest not to mention that the public swallowed the Presidential rebuke, because none wanted to create an ugly scene. All that the people desired was to avoid giving a handle to the enemies of the Congress to gloat over their differences.

For more than two months, a curtain had been dropped on the Nariman incident, when by a strange freak of fate, the facts that had been suppressed specially for the benefit of the Working Committee of the Indian National Congress in Delhi in April last, since came to light. The historical telegrams referred to at length in the first chapter saw the light of the day on the 6th of June in the issue of "Kaiser-i-Hind Illustrated Weekly." It was in the nature of things that in view of this further evidence of the Sardar's interference in the election of the Bombay Leader, the people would be justified in opening this chapter once again. The Working Committee had committed itself in its statement that "had it found any reason to believe that the election had been influenced by improper conduct on the part of anybody, it would certainly have ordered a fresh election." Hurried attempts to explain away the telegrams by the Sardar's three colleagues and the subsequent explanation by Dr. Chandulal Desai which contradicted them, made the matters still worse. It strengthened the public's hand in its demand for an impartial enquiry into the whole matter. Public agitation started once again.

In the meanwhile Mr. Nariman addressed four letters to Pandit Jawaharlal, on the 13th May, 23rd June, 3rd

July, and 5th July, respectively. The contents of these letters have not been revealed, but on these representations, he was invited by the President to attend in person at the meeting of the Congress Working Committee held in Wardha in the first week of July, and explain what he desired to be done. Mr. Nariman appeared before the Working Committee on the 8th July and intimated to them that he had not intended to ask in his letters for the re-opening of the subject by the Working Committee and he definitely stated that he did not seek any re-opening of the Committee's decision of the 20th March and that he accepted it as finally deciding the question.

He further stated that he did not want any other matter referred to in the correspondence to be inquired into by the Committee.

The members of the Working Committee informally discussed the Nariman controversy in the afternoon of the 8th July in the presence of Mahatma Gandhi and as a result of the talk, an understanding was reached.

Before leaving, Nariman was closetted with Mahatma Gandhi for long. Nariman had a free and a frank talk with the Mahatmaji. He gave reasons of his belief of Vallabhbhai's interference in the election of the leader. Mahatmaji promised that he would take up the matter for a public enquiry. Nariman further told Mahatmaji how certain mischievous people had circulated rumours against him of having helped Sir Cowasji Jehangir in the election of the Legislative Assembly in the year 1934. He was charged by them of a grave breach of duty in not being desirous of competing for the election, and thus resulting in the defeat of a Congress candidate Mr. K. M. Munshi. Mr. Vallabhbhai himself had charged him with such a breach of faith, and if the Mahatma instituted an inquiry for the 1937 incident,

1934 issue should as well be inquired into. Gandhiji consented to move in this matter and asked Nariman to select his tribunal who would impartially inquire into both the matters.

Mr. Nariman left for Bombay on the same day, satisfied at Gandhiji's assurance for an impartial inquiry.

Sardar Vallabhbhai Patel issued for the first time a statement to the press on the issue of the election of the leader on 9th July, the day after Nariman had left Wardha. He emphatically denied of having interfered in the election either directly or indirectly. According to his version, some days before the election, Nariman took him to a drive at Worli, where he asked the Sardar to help him in being elected as the leader. The Sardar however refused to do so, and gave his reason for the same. However he assured him that he would not influence any one against him. The Sardar was willing to an impartial inquiry, as promised on his behalf by Gandhiji.

The Sardar had so far, for reasons best known to him, evaded making a public statement. He owed it a duty, before long to explain the charges levelled against him, from the public platform and in the press. It would have been the right course to put an end to this unfortunate affair, if he desired the Congress prestige not to suffer. Instead, he opened his mouth after four long months of public agitation and that too when Gandhiji had consented to the appointment of an impartial tribunal. He had fired off a broadside at Mr. Nariman of a kind certainly calculated to prejudice the issue. The matter would have been sub judice on the appointment of the tribunal and Vallabhbhai showed very poor tastes in disclosing it, apart from the truth or untruth of his statement.

The next day very naturally Mr. Nariman replied to the Sardar refuting the allegation that he had asked for the Sardar's help in the election of the leader. His version of the incident was that he was informed by several of his friends that the Sardar was working against him. This led to the drive at Worli and during the long conversation they had, Mr. Nariman only asked him as to why he was working against him, to which the Sardar replied that he did not want him to be the leader, but that he would not interfere with the election. Nariman also welcomed the offer made by Gandhiji for the investigation of the dispute by an impartial tribunal.

Thereafter, both the Sardar and Nariman issued statements; the Sardar sticking to his original statement of the 9th July, and his version of the Worli incident, and Nariman refuting it in his reply. The Sardar charged Nariman of evading the main issue of enquiry and asked him to formulate definite charges against him and to suggest the composition of the Tribunal and forward them to Gandhiji. In connection with the issue of these statements the Sardar declared that it was done after consultation with the Mahatma at Wardha.

Accordingly Nariman set to the task of getting the tribunal instituted. However, he met with unseen difficulties, in his task. As a strict disciplinarian Nariman immediately on his arrival from Wardha wrote to the General Secretary A.I.C.C. inquiring if the offer of Gandhiji had the sanction or the approval of the Working Committee, to which he received a reply in the negative. The General Secretary further added that the demand was unique in the annals of the Congress and there was no precedent for it. The Congress Working Committee was the final authority for

all Congressmen. Pandit Jawahar also expressed his disapproval in the following terms:

"As for your demand for an impartial judicial tribunal, other than the Working Committee, you know my view for such a demand. I thought it wrong on your part and improper for a Congressman to make it."

It was impossible in these circumstances that a tribunal that had not the sanction of the Working Committee behind it, could be demanded by Nariman. It would amount to a breach of discipline on his part. Another difficulty with regard to a private tribunal, would be the M.L.A.'s would not recognise it, and thus it would be impossible to get their full co-operation. The third and the greatest difficulty Nariman experienced was in persuading some counsel of renown or an ex-Judge of the High Court to work on the tribunal. Nariman approached some eminent and reputed counsels including Mr. Bahadurji, as well as some ex-judges, but all of them for one reason or the other expressed their inability to serve on the tribunal.

Hampered by such difficulties on the one hand, and being charged of the evasion of his duty on the other, Nariman in a desperate moment made a noble gesture of self-effacement by giving up his demand for the enquiry. On the 30th of July, in celebration of the death anniversary of his great and revered 'guru' Lokmanya Tilak, Nariman publicly declared that as a fitting tribute to the memory of the great leader, he would use the sacred occasion for giving up his demand for an inquiry and rest content with the Working Committee's decision, as finally binding on him.

This should have set the matter right, but Nariman's stars seemed to be in a conspiracy against him to bring him fresh and renewed troubles. Gandhiji removed Nariman's difficulty in the way of the appointment of the tribunal by

consenting himself to work as the sole arbitrator. In a letter dated 1st August, he wrote a letter to Nariman, in which he says:—

“I make this offer; I am prepared to go through the whole of your charge and if I feel convinced that you have been unjustly dealt with by the Sardar, I shall unhesitatingly say so, and do everything humanly possible to undo the mischief. If on the other hand, I find against you and if you are not satisfied with my findings, I shall request Bahadurji or Sir Govindrao Mudgaokar to go through the recorded evidence and review my findings.....If the findings are against you, you should have an opportunity of tendering an apology and making a full and frank confession of your weakness and the wrong done to the public, the Sardar and other colleagues. ....If I had been hitherto silent, my silence has been solely in the interest of Mr. Nariman.” He further wrote to Nariman:

“What I have learnt hitherto goes against you.”

The contents of this letter does not make a pleasant reading. It creates the very unpleasant impression that even in the enquiry Gandhiji wanted to be partial to Vallabhbhai. No mention of any punishment to the great Sardar in the event of the findings going against him is made while provision has been made for in case of Mr. Nariman in no unmistakeable terms. Evidently the Mahatma assumed the Sardar to be innocent and Nariman to be guilty, for how else could he say that his silence was in the interest of Nariman?

Thus from the very beginning Gandhiji was not free from his prejudices against Nariman, the aggrieved party, who was treated so far as a culprit.

Gandhiji's offer of working as the sole arbitrator, solved one of the difficulties of Nariman enumerated above. In the meanwhile another great difficulty of Nariman of getting the sanction of the Working Committee and the Pre-

sident, was removed by the visit of Pandit Jawaharlal to Bombay on the 9th August, and his giving the necessary permission in writing to Mr. Nariman.

Mr. Nariman readily accepted Gandhiji's offer to work as the arbitrator, with certain reservations made, in his following public statement:—

I have definitely rejected the conditions about tendering "an apology making a confession of alleged weakness and supposed wrong done to the public, Sardar and other colleagues." This is prejudicing the issue before the inquiry has started and imposes discriminating terms as similar conditions are not imposed upon the other party in case they fail to establish more serious charges against me. I most emphatically deny the allegation of any wrong done by me to anybody nor is there any occasion for "confession" of any "weakness" on my part. I have complained that the position is reversed and aggrieved party is looked upon as a culprit. Though this attitude is most disappointing and discouraging still I have agreed to submit my statements provided this extraordinary and humiliating conditions are not made precedent to the inquiry, I will certainly abide by the findings of the inquiry and take political consequences whatever they may be.

The proceedings—that is the statements submitted by me should be allowed to be published after the findings so that the public may have an opportunity also of knowing my case.

I should be informed and given an opportunity to explain and defend with regard to any new allegations or points advanced by my opponents in the course of these proceedings.

Under the peculiar and difficult circumstances when witnesses will find themselves in a very embarrassing position, I have asked for some protection and assurance to the witnesses and also requested Mahatmajl to issue an appeal to all members of Legislatures and others to help in the inquiry and disclose to him the facts and circumstances within their knowledge. This may to some extent

remove the natural hesitancy on the part of many intending witnesses. This request is so far not granted. Nevertheless I will submit my statements in a day or two before leaving for Poona.

The demand put up by Nariman was both reasonable and just and he expected that Gandhiji would accede to it. Accordingly Mr. Nariman sent his statement to Mahatmaji, consisting of his explanation as regards the 1934 charge of betrayal against him, and his case against the Sardar in the matter of the election of the leader of Bombay Legislative Party in 1937.

The enquiry into this Nariman—Patel controversy, thus became a settled fact, after five months of prolonged agitation. From that day onwards the public agitation ceased.



## CHAPTER V.

### THE WORKING OF THE TRIBUNAL; NARIMAN'S APOLOGY AND RECANTATION; THE WORKING COMMITTEE'S RESOLUTION.

In the second week of October, Mr. Bahadurji prepared the judgment on both the 1934 and 1937 incidents. He found Nariman guilty of neglecting his duty in the 1934 election and the Sardar was exonerated from the charge of interference in the 1937 issue. So the judgment was against Nariman on both the counts. It occupied fourteen foolscap sheets. Mr. Bahadurji showed Mahatmaji his judgment on the 14th October at Shegaon where he had specially gone for the purpose. Mahatmaji approved of the judgment and wrote a concurring note. In passing, we may state here that according to the original arrangement between Mahatma Gandhi and Nariman, the former was to go through the whole inquiry, and in case his findings were against Nariman, the same was to be submitted to Mr. Bahadurji, if Nariman so desired, but at the time of inquiry Gandhiji being too ill to stick up to the original arrangement, made a suggestion to the contending parties, that the inquiry be looked into by Mr. Bahadurji first, and after his findings, the Mahatma would go through same quite independently, and arrive at his decision. This arrangement was approved of by the Sardar and Nariman, and hence a concurring note by the Mahatma on Mr. Bahadurji's findings.

It was arranged that Mr. Nariman be shown the judgment and if it was acceptable to him, he should make a public statement and the matter would end there. The judgment would be withheld from the public. Accordingly

on the 15th October Nariman went to Mr. Bahadurji's office and read it. Mr. Mahadev Desai had been sent by Gandhiji specially to get Nariman's public statement, on his accepting the judgment. Nariman complied with Gandhiji's request. On the 17th October the following public statement of Nariman was released to the press:—

"I am grateful to Mahatma Gandhi and Mr. D. N. Bahadurji for having taken me into their confidence and shown me a copy of their findings and judgment in the inquiry made by them. I have studied them carefully and must accept them as findings arrived at by judges who were judges of my choice and whom I have the privilege of regarding as my friends. It is open to them to publish their judgment, but they have generously offered not to publish it, if I publicly declare that I am satisfied with the verdict. I accordingly do so and feel that in doing so I owe a statement to the public.

"I am convinced that in the matter of the election of 1934 I neglected my duty as a responsible office-bearer of the Congress and gave some of my friends cause to feel that my neglect amounted to a grave breach of trust.

"In the matter of the election of the Leader of the Bombay Parliamentary Party in 1937 I am sorry to confess that I misjudged the general position and on the strength of statements made by some of the legislators. I felt a grievance which I allowed my friends and a part of the press to share with me. As a result, considerable bitterness was aroused and Sardar Vallabhbhai Patel was even charged by a section of the press with having acted through communal prejudice. I have publicly stated before, and I do so now, that this charge was entirely unfounded and whatever the Sardar did or did not do was from a sense of public duty. I am sorry that the agitation should have taken a personal aspect and even a communal aspect and that I should have been the cause of taking up so much of the time of Mahatma Gandhi and Mr. Bahadurji over a grievance which the public have a right to say was more fancied than real.

"Having said this I feel I owe some kind of reparation to the public whom I have all these years claimed to serve.

And in order that the confidence in me may be fully restored I deliberately declare my intention not to seek, on the expiry of my term of those offices, re-election to all positions and places of trust that I now enjoy and my determination to serve the Congress and the public by being out of those offices in order that passions and bitterness may cease and peace and harmony may be restored. (Sd.) K. F. Nariman, October 15."

Thus the seven-month-old Nariman-Vallabhbhai controversy came to this abrupt tragic end. The public received a rude shock, that the judgment would never see the light of the day. Why was there such secrecy in a matter that concerned the public? None wanted to exonerate Nariman. If Nariman was guilty of any major breach of faith with the public, he must pay for it by all means, but the public could not be satisfied with the humiliating apology of Nariman. As a matter of fact the highest and the heaviest price that a man of Mr. Nariman's standing can pay for misdemeanour, real or fancied, had already been paid by him, and there was no scope for the exercise of charity at that stage. One version of the apology was that Nariman must have committed a breach of duty in the 1934 incident and that must have made him eager to prevent the judgment from being made public. Some went to the extent of suspecting Nariman of having accepted money from Sir Cowasji Jehangir to make the latter's path smooth in the 1934 election.

One thing evident from Nariman's apology is that the major issue over which there had been so much agitation had been side-tracked and undue importance had been given to 1934 affair, with a view to prejudice the main issue.

Exactly a week after the apology, Mr. Nariman who had gone to Bangalore in connection with some political conference issued a most sensational statement to the press.

recanting the apology, and admitting of having committed a political suicide by signing his own political death warrant.

The Associated Press reports this statement as under:—

“We often hear of individuals committing physical suicides in a state of temporary insanity; that betrays a desperate and unbalanced state of mind. When all chances of redress are lost, he takes that step as a last resort, hoping thereby to end the tension for ever. This is a case of political suicide in a similar mental frame of desperate depression,” said Mr. K. F. Nariman, in the course of a statement to the Press on the subject of his recent statement, released by Mahatma Gandhi, regarding the controversy between him and Sardar Vallabhbhai Patel.

He was blamed, Mr. Nariman continued, for disrupting public life in Bombay, for causing disastrous splits in the Congress for blocking up all national and patriotic activities by not ending the controversy and above all it was alleged that Mahatma Gandhi's health was affected and would not be completely restored, till this episode had satisfactorily ended. Such was the purport of a wire received by him the previous day. So he signed his own political death warrant, with some slight verbal changes, as it was drafted and despatched through a special messenger from Wardha, regardless of personal consequences.

He might have been negligent, careless and even hasty, with regard to the 1934 Assembly Election incident; but he pleaded, those colleagues who had worked with him at the time would realise and appreciate the difficulty of the situation. This episode happened in the first week of October 1934, and a fortnight after it was to be held the most historic and important session of the Indian National Congress in Bombay. He had taken a great responsibility by inviting it to the City. The huge Congress Pandal, “Gaffar Nagar”, the Exhibition and many other items had to be completed in an incredibly short time and unfortunate internal dissensions had added to the difficulties.

As the Chairman of the Reception Committee he was in charge of the whole organisation, and his entire atten-

tion, time and energy were naturally concentrated on that one great and responsible task they had undertaken. Under such circumstances he had to leave all other work, including the election work, to others, and did not pay as much personal attention and care as its importance deserved. Having undertaken that election work on behalf of Congress, it was considered as a breach of faith to have neglected it, and hence he bowed to that verdict.

For the rest, said Mr. Nariman, he surrendered to his cruel fate without a murmur, hoping and expecting that in future at least, he would get a fairer treatment and a squarer deal.

As regards his future plans, he said that though regular attempts were being made to turn him out of the organization, which he had served so faithfully and devoutly for years, and had sacrificed his all in that service, still he would adhere to that organisation till the last and continue his sincere efforts from an humbler position.

It was then evident that the apology was not strictly speaking Mr. Nariman's work. He was compelled to sign it. As Nariman says that the whole document came from Wardha; it is obvious that it was drafted by the Mahatma himself or under his instructions and that Nariman signed it with one or two slight alterations. In this statement he complained that all kinds of unnatural pressure was brought on him to extort the apology.

It seemed that there was an anxiety on the Mahatma's part to cover up the whole wretched affair. By not publishing the judgment it was a double victory for them. The Sardar would be completely exonerated from Nariman's own mouth and the impression that for whom the people put up such a brave fight, was ultimately unworthy of the confidence reposed in him would be created on the minds of the public. Nariman however let the cat out of the bag and upset the plans of Gandhiji. In his anxiety to save his erstwhile colleague Mr. Vallabhbhai, Gandhiji followed soviet method of securing confession from Nariman.

The recantation of Mr. Nariman displeased Gandhiji immensely. Those who have watched Gandhiji's political career, testify to the fact that they have never known of Gandhiji in such an angry mood as on this occasion. Within a week of the recantation, the Working Committee of the Indian National Congress was meeting at Calcutta. Mahatmaji sent the Gandhi-Bahadurji report together with the following covering letter to Pandit Jawaharlal to be considered by the Working Committee.

Dear Jawaharlal,—Enclosed herewith is the judgment of the Inquiry Committee about the two statements issued by Mr. Nariman in his correspondence with you and me.

I had thought that Mr. Nariman's acceptance of my recommendation to make a confession which was to take the place of the judgment was fair, ending the enquiry which gave me many an anxious moment.

But Mr. Nariman's recantation of confession which I first saw only in the press, alters the position and reveals the painful state of Mr. Nariman's mind.

The recantation contains a patent untruth as pointed out by me in my letter to Mr. Nariman.

I recall the fact that Mr. Nariman himself courted the inquiry and deliberately wanted an investigation into the charge made to him by Sardar Vallabhbhai Patel of grave breach of trust in the matter of the Bombay election in 1934.

In his (Mr. Nariman's) letter addressed to you occur the following sentences:—

"IF THE VERDICT OF SUCH INDEPENDENT TRIBUNAL AND ENQUIRY TENDS TO BLAME ME IN THE SLIGHTEST DEGREE THEN, I WILL WILLINGLY SUBMIT TO ANY PENALTY WHICH YOU OR ANY OTHER AUTHORITY CHOOSES TO IMPOSE, BUT AT THE SAME TIME HOPING AND EXPECTING THAT IF THE BLAME IS FOUND ELSEWHERE SIMILAR INDISCRIMINATING JUDGMENT SHOULD FOLLOW REGARDLESS OF PERSONALITIES OR PERSONAL CONSIDERATIONS."

In his letter to me (I have not their copies with me) he went further and said that if he was found guilty of Sardar's charge he would consider himself to be unworthy of holding any office of trust.

"I AM OF THE OPINION THAT BY HIS CONDUCT MR. NARIMAN HAS PROVED HIMSELF UNWORTHY OF HOLDING ANY POSITION OF TRUST, NOT ONLY BECAUSE HE HAS BEEN FOUND GUILTY OF THE GRAVE BREACH OF TRUST IN 1934 ELECTION AND HAS FAILED TO PROVE THE CHARGE BROUGHT BY HIM AGAINST SARDAR VALLABHBHAI PATEL, BUT HIS SUBSEQUENT CONDUCT AS BETRAYED IN THE CORRESPONDENCE AND ESPECIALLY BY HIS UNFORTUNATE RECANTATION OF THE CONFESSION FREELY GIVEN BY HIM IN THE PRESENCE OF HIS COUNSEL."

The last paragraph of this note is certainly not worthy of this great soul. He had definitely agreed in a letter to Nariman "that the enquiry would be private and even the Working Committee need not know about it." In spite of this undertaking the Mahatma not only handed over the whole record to the Working Committee, but also wanted to obtain an ex-parte verdict against him.

The Working Committee considered the report and the covering letter of Mahatma Gandhi and passed the following resolution on 2nd November, the day after Nariman had left Calcutta for Bombay:—

"The committee are of the opinion that in view of the findings in this report and his acceptance of them and his subsequent recantation, his conduct has been such as to prove him unworthy of holding any position of trust and responsibility in the Congress organization."

The Working Committee also directed the General Secretary of the A.I.C.C. to release for publication the full text of the report of the Enquiry.

There is no parallel in the history of the Congress of a more cruel persecution than the passing of this resolution.

It has been aptly characterised by a Congressman as the "meanest political murder of our times". The attitude of the Working Committee was not only unjust, and unfair, but cruel, vindictive, and unconstitutional. Unjust it was because this monstrous resolution of ending the political career of a national leader of his type, was passed at his back. Unfair it was because while passing this resolution the Working Committee did not consider the past services of one who was one of their own colleagues, and who had sacrificed his all for the cause of his country. Cruel it was because of the gross disparity of Nariman's supposed crime to that of the monstrous punishment meted out to him. Vindictive it was because he was punished for a supposed wrong committed three years back. Over and above all, the said resolution was *ultra vires* and illegal. By a resolution of the Working Committee dated 11th December 1936 it is laid down in the constitution that

**"No disciplinary action shall be taken without an opportunity being given to the committee or individual concerned to state its or his case and answer such charges as are made before the W.C."**

This imperative and clear rule was set aside; thus it *ultra vires* the constitution. The presence of Sardar Vallabhbhai, Achut Patwardhan and Shankarrao Deo in the Working Committee at the Calcutta meeting further vitiated the trial, as they were directly interested in the dispute and open charges and allegations were made against them.

It is surprising that Gandhiji forgot that a complainant in a civil suit could not be punished nonchalantly.

The Gandhi Bahadurji judgment was released to the press on the 4th of November. The judgment gave a rude



shock to the public. There was nothing in itself that could have called forth the humiliating apology from Mr. Nariman. The major portion of the judgment dealt with the 1934 issue, which clearly showed a mad hurry on the part of Mr. Bahadurji to find Nariman guilty to prejudice the later issue. It would have been reasonable, and to his advantage if the judgment was arranged to be broadcasted on the radio, than to have submitted this abject apology. We have no hesitation in charging Mr. Nariman with weakness as far as his apology was concerned. The only possible excuse for it may be that months of prolonged agony and torture of mind at the injustice meted out to him, must have been the cause of his vacillation. The general opinion was that the judgment was not worth the paper on which it was written. To call it a "judicial finding" would amount to perversion of facts and terms. It could be truly characterised as a travesty of justice. Those who read carefully Mr. Bahadurji's findings came at once to a decision contrary to that arrived at by him and for very obvious reasons. For a clear understanding of the whole judgment, we have split it into two parts, one as regards the 1934 incident, and the other as regards the 1937 election of the leader of the Congress Party, and devoted one chapter on each. We have also included what one of the oldest Congressmen of our city Mr. Maneckji Patel thinks of the judgment. We will leave to the public to form their own opinions on it.



quired from my brother's office, whose name is Kaikobad Framji Nariman and hence bears the same initials "K. F." and found out that 45, Esplanade Road, the address given on the Roll, was the address of his Office, namely, Gresham Building, where he works. Thus it was clear that the said "K. F. Nariman, 45, Esplanade Road, A Ward Roll No. 2153", referred to my brother and not to me. On ascertaining this, I and others carefully went through the Roll in order to find out whether there was another "K. F. Nariman" in other Wards, particularly "C" & "D" Wards, where I had my place of residence and business. But in spite of our very close inspection no other entry bearing the name 'K. F. Nariman' was found on the roll. Thereupon, there being very little time for putting in another nomination, I rushed to see Sardar Vallabhbhai Patel at Victoria Terminus, as he was leaving by train and informed him about this omission and asked him to request Mr. K. M. Munshi to put in a nomination immediately before the time expired. Accordingly, Mr. K. M. Munshi was asked to put in his nomination paper forthwith and in time, which he did. And as my name did not appear on the Electoral Roll and the entry of "K. F. Nariman, 45, Esplanade Road, found on the roll was ascertained to be referring to my brother's and as I had signed the nomination paper as Khurshed Framji Nariman, I thought it advisable to withdraw my nomination paper that was put in by mistake, as otherwise it would have been challenged as impersonating my brother. Accordingly, by a letter written to the Returning Officer, dated 11th October 1934, I withdrew my nomination, stating the reasons for withdrawal and also withdrew my deposit.

It was brought to my notice by some friends that although my name was not on the Electoral Roll of the said Constituency, still I was entitled to put in a nomination for the election, if my name was entered "on the electoral roll of the constituency or of a constituency situated in the same Province and prescribed for election to the Provincial Council."—(Rule 6 1 (a) of the Legislative Assembly Rules). Instance of the date Deshbakath Vithalbhai Patel was quoted. However, his case on inquiry was found to

be different as he had not put in previous nomination by mistake. I myself was doubtful about this point, and in the presence of Sardar Vallabhbhai Patel, I consulted Mr. Bhulabhai J. Desai, who also agreed with me that unless my name was on the Roll of the Legislative Assembly, my nomination paper could not be accepted, because in the nomination forms, prescribed under the Schedule to the Rules, the name and number as well as the Constituency from which a candidate was contesting were to be filled in according to the name, number and the constituency mentioned on the Electoral Roll in which the candidate's name was entered i.e. in the present case, the Legislative Assembly Electoral Roll.

However, though it was a doubtful point, still with a view to make a further attempt, I completed a second nomination paper, according to my name and number in the Provincial Council Electoral Roll, with the same proposer and seconder, namely, Drs. Deshmukh and Sathye respectively, and again going to the Assistant Collector, offered the said nomination. However, he objected to accept it on the above and other grounds. We discussed the rule with him for a long time and he maintained that unless my name was on the Legislative Assembly Electoral Roll, he could not accept my nomination because he had to compare the name and number mentioned in the nomination paper with those appearing on the Electoral Roll. In addition to that, he mentioned another objection to the second nomination under Part 4, Rule 8, which says that "a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election". He, therefore, maintained that in addition to the first objection of my name not being on the Electoral Roll the second objection was very clear because I had withdrawn my first nomination put in by mistake, so that even the deposit was returned, and therefore under the said Rule No. 8, the second nomination for the same election could not be accepted. And at the same time I wrote a letter to Sardar Vallabhbhai Patel on the 15th October, explaining him the difficulties and the reasons why the second nomination paper could not be accepted.

Thereafter, on further advice, I was informed that I had no case so far as the rejection of the nomination was concerned as the authorities had rightly rejected it under the rules and so no further action was considered advisable at the time.

A third attempt was made even after the closing date for the nomination that under advice from Sardar Vallabhbhai Patel, on the 15th October 1934, I sent a protest letter to the Returning Officer challenging his opinion and once again submitted my nomination paper.

A question was raised, however, at the time of the scrutiny, but as the nomination paper was not accepted at all, the matter could not be taken up, as at the final scrutiny only technical objections to validity accepted nomination papers were entertained, such as, objections to age of the candidate, of his residential and other qualifications, including, if the candidate was convicted for criminal offence or was insolvent, etc. These objections were heard by the Returning Officer and if found valid, the nomination papers were rejected under the rules and deposits returned. My case was different as, due to the preliminary objection of my name being not found on the Electoral Roll, the nomination was not accepted. So the matter could not come up for the scrutiny.

Mr. K. M. Munshi's nomination was put in time and it should be noted that it was put in time because I had informed them of the omission of my name immediately, to prevent the rival candidate, Sir Cowasji Jehangir, going on uncontested.

Nothing further was heard about this matter and to my letter to Sardar there was no reply nor was there any complaint made against me of having taken any improper indiscreet and hasty step.

After that, the election took place.

But I may mention that even before the polling day.

I, as head of the B. P. C. C. and in charge of the Congress affairs in the City, received several complaints to the effect

that Mr. Munshi was attempting and carrying on individual canvassing, asking voters to give both their votes to him, instead of dividing them equally between the two Congress candidates, as was instructed and directed by the Congress. Several voters even protested against the circular post-cards and letters written by Mr. Munshi to them to this effect and one such communication was published in the press, challenging Mr. Munshi to disprove it but it was not contradicted.

The day before the elections when I went round to see the arrangements with Mr. G. N. Desai, one of the General Secretaries of the B.P.C.C., several persons complained from the Dadar localities that Mr. Munshi had engaged several volunteers and workers to canvass for him alone, even amongst Maharastrian voters, and this had caused great resentment against him; as far as possible I tried to counteract this move. On the day of the Polling, early morning when I went on my rounds to see the arrangements in different Congress booths, I found that prominent placards were being displayed with "Vote for Munshi" and also several motor cars plying with similar placards. I had to get them removed and substitute them by placards with "Vote for Congress." Similar steps had to be taken by Dr. Deshmukh and his workers. This naturally irritated Mr. Munshi but I had to take this step in the interest of the Congress. This can be even now convincingly proved.

There is one important point which I also wish to urge further to show my bona-fides. At about 2 p.m. on the polling day when it appeared that Mr. Jamnadas Mehta, a rival candidate, put up by the Democratic Party, had no chance whatever but that he was only spoiling the chance of a Congress candidate by taking away some of the Congress votes, I appealed in the presence of many voters, to the friends and supporters of Mr. Jamnadas Mehta, to persuade him to withdraw because by persisting he was only indirectly helping the non-Congress candidate, Sir Cowasji Jehangir, and spoiling the chances of one Congress candidate. Mr. Laxmidas Tairsee, who was taking great interest in Mr. Jamnadas Mehta's election and seemed to be in charge of his arrangements, was particularly appealed to

by me and I argued with them for some time, but they would not agree to Mr. Jamnadas' withdrawal, and on the contrary Mr. Tairsee openly said that it did not matter if Mr. Jamnadas was defeated but their purpose would be served if by his standing, they were able indirectly to defeat one Congress candidate. Perhaps Mr. Tairsee on reference may bear out this incident. If the record of the election campaign for that period is examined, it will be seen that I took most prominent part in the Congress election campaign and severely attacked publicly Sir Cawasji Jehangir, for which communal papers took me to task.

Thus my conduct and attitude throughout this election has been sincere and bona-fide and I have done what was expected of a faithful and devoted Congress worker and it is very cruel and ungrateful to lay such baseless and scandalous charge of betraying the Congress on that occasion.

On the Polling day at about 2 o'clock, it was stated that from the activities watched at different booths it appeared that Mr. Munshi's position was secure and Dr. Deshmukh's weak. Mr. Munshi himself seemed to be quite confident and he said this also to several friends including the press reporters and I believe also to Mrs. Naidu. I was asked by some friends to go round and ascertain for myself the actual state of affairs. Accordingly, I went to Dadar booth, Muzafarabad Hall and other places and advised that in ballot voting no one could correctly judge the situation and the outward appearances may be deceptive and should not be depended upon. Hence I would not allow them to distribute votes unequally but to stick to the original arrangement.

Even after the election there were no complaints made about any wrong instructions or uneven distribution till the date of the result when Mr. Munshi unexpectedly lost by about 1000 votes. Then a hue and cry was raised that the defeat was brought about by my interfering on the day of the polling, and changing the original arrangements. That statement, needless to say is also not correct. A few

might have voted against Mr. Munshi on account of their resentment at his attempt at individual canvassing, which is only a minor reason for his defeat. The main reason was that Mr. Jamnadas Mehta had spoiled and wasted a few of his votes. However, even on this question, when this suggestion was made, I, in the presence of a dozen friends in the Congress House, offered to both Mr. and Mrs. Munshi an enquiry into the matter openly if they had any doubts or suspicion against me, and it was also stated then that Mr. Munshi himself was confident of success and it created that atmosphere. However, this offer for an open enquiry was not accepted.

Some days after the elections, I read a report in the "Bombay Chronicle" wherein certain allegations were made against some agents and workers of the rival candidate, Sir Cawasji Jehangir. On this report I started inquiries and traced certain individuals who were acquainted with some more facts and details, about the said allegations. After collecting sufficient materials and data, I prepared a case according to the details and particulars gathered and showed the same to Sjt. Bhulabhai Desai, Sirdar Vallabhbbhai Patel and Shri Rajgopalachariar who was then in Bombay in Mr. Bhulabhai's bungalow and urged them to allow an election petition to be filed on those facts and materials. But for various reasons they all three were not in favour of taking any action and filing an election petition, although Rajaji thought that a petition might be sent to the Governor.

I am mentioning this as an additional important circumstance showing my bona-fide to protect the Congress interests and cause, because if the successful rival candidate's election had been challenged, then not only the non-Congress candidate would have been discredited but also the defeated Congress candidate would have got in. But my suggestion and advice was not acted upon.

In spite of all this for days and months, this malignant campaign of vilification was started and encouraged and it was secretly and sedulously alleged that it was due to my dishonesty and misconduct that Sir Cawasji Jehangir had



come in and that the Congress candidate had lost his seat. This false and mischievous allegation was secretly made behind my back without giving me an opportunity to refute the same and particularly at the time when my claims were to be considered at some elections or other so that my chances of success may be blasted and my political career and character may be ruined. And I have not the least doubt that the same tactics were used shortly before the Parliamentary Party leadership election took place. This and other scandalous false charges and allegations were made behind my back among members most of whom were from mofussil and who were not connected or concerned with or conversant with the affairs of Bombay. This secret propaganda against me accounts for the sudden change in the attitude of Maharastrian members, who had only four days ago in an informal meeting at Poona almost unanimously accepted my name for the leadership but mysteriously changed their opinion after their arrival in Bombay the the night before the final meeting.

My offer to hold an open enquiry in the matter was not accepted. Even my appeal at Delhi to the President of the Congress to institute an inquiry went unheeded because he did not think it proper to go into this matter. Since then I have approached four prominent legal gentlemen to inquire into this matter but they could not take it up.

My object now is to have this matter put before you as an impartial tribunal with a request to hear both the sides and on the materials and evidence adduced, pronounce a definite opinion whether on the facts before you, my conduct was in any way blameworthy and whether these false and scandalous allegations, that I had been guilty of dishonesty by deliberately trying to bring in the rival candidate, are in any way justified. In other words, did I betray the Congress as is cruelly alleged or did I make sincere and honest endeavours, as I have always been doing, to serve the Congress cause though for reasons beyond my control one Congress candidate failed?

Bombay, 17th August 1937.

Sd. K. F. Nariman.

Along with his statement Mr. Nariman sent for the Tribunal's consideration:

(1) A copy of the letter written to the Returning Officer dated 11th October 1934 withdrawing his nomination.

(2) A copy of the letter written to the Sardar dated 15th October 1934 explaining him the difficulties and the reasons why the 2nd nomination paper cannot be accepted.

(3) A copy of a letter of protest sent to the Returning Officer challenging his opinion and once again submitting a nomination paper on 15th October 1934.

Before submitting the above statement to the Tribunal, Mr. Nariman showed it to Drs. Deshmukh and Sathye. Dr. Deshmukh made a slight alteration on the first page, thereafter it was sent. Thus it will be seen that both of them approved and endorsed the statements referring to them in the statement.

The following is the full text of the judgment of Mr. Bahadurji and Gandhiji.

In regard to the conduct and attitude of Mr. Nariman in 1934 Assembly Election the evidence consists of (1) statement of Sjt. Nariman, (2) statement of Sardar Vallabhbhai, (3) statement of Sjt. Nariman in reply to Sardar Vallabhbhai's statement and (4) statements of certain other parties.

In judging of "the conduct and attitude of Sjt. Nariman it is necessary to bear in mind a few important facts and dates. In July 1934 Sjt. Nariman was the President of B.P.C.C. He was also the President of the Bombay Parliamentary Board. About the middle of July 1934 Sjt. Nariman and Dr. Deshmukh were nominated by the Bombay Parliamentary Board as candidates for Legislative

Assembly Elections. On the 29th July their nomination was ratified by the All India Congress Parliamentary Board. Electoral Rolls were first published on 14th July 1934. The Electoral Rolls were closed on 29th July and the final Electoral Rolls were published on 15th September 1934. On the 1st of October 1934 the Government Gazette published notification inviting nominations by 3 P. M. on the 11th of October 1934.

Occupying the position of President of B.P.C.C. and of the Bombay Parliamentary Board as he did, and himself being nominated a Congress candidate it would be reasonable to presume that Sjt. Nariman had carefully examined the Electoral Rolls, that he had carefully studied the rules and regulations regulating the Elections and had made every other necessary preparation for ensuring the success of the Congress Nominees at the Elections. For, not to make this presumption would be equivalent to attributing to him unpardonable neglect in the discharge of the duties he owed to the Congress in the triple capacity which he then held.

Sjt. Nariman has, however, given no information on this score in the various statements that he has put in.

In considering "the conduct and attitude" of Sjt. Nariman in connection with the Election the facts which are taken into consideration are only those which are admitted by him and those stated by Sardar Vallabhbhai, Dr. Deshmukh, Mr. Chhotalal P. Mehta, Solicitor, Dr. Sathye etc., and not expressly denied by him up to the 16th October 1934. Statements as to events subsequent to 16th October 1934 are excluded from consideration as they are not strictly relevant to the enquiry as to "the conduct and attitude" of Sjt. Nariman in connection with his own candidature.

Now the facts admitted by Sjt. Nariman or which are not expressly denied by him are these: On 4th of October Dr. Deshmukh asked Sjt. Nariman for his nomination paper; Sjt. Nariman said he would not give it unless his election expenses were guaranteed. It was arranged that Dr. Deshmukh should bear his own as well as Sjt. Nariman's

election expenses. At this date Sir Cawasjee Jehangir's nomination paper had already been filed with the Collector.

On the 6th of October Dr. Deshmukh received Sjt. Nariman's nomination paper; Dr. Deshmukh handed it to Sjt. Chhotalal Mehta, Solicitor, to file it along with Dr. Deshmukh's own nomination paper. Dr. Deshmukh's nomination paper was filed on that day. Sjt. Nariman's nomination paper was not filed but was brought back by Sjt. Chhotalal as there was some discrepancy in the address given and the address appearing in the Electoral Roll, on the same day, that is, 6th October. Dr. Deshmukh spoke to Sjt. Nariman on the phone about the discrepancy in the address which in the Electoral Roll was given as Esplanade Road. A couple of days later, according to Dr. Deshmukh, he was informed by Sjt. Nariman that that address was correct, whereupon he instructed Sjt. Chhotalal to file Sjt. Nariman's nomination paper, and it was filed on or about the 8th of October. As there is some dispute as to this message on the 6th of October given by Dr. Deshmukh to Sjt. Nariman it becomes necessary to quote the words of the parties themselves on this matter.

Sardar Vallabhbhai says: "Dr. Deshmukh telephoned to Sjt. Nariman telling him of the address on the Roll and asking him to look into the Roll and put the whole thing in order, if there was any mistake."

"Sjt. Nariman informed Dr. Deshmukh that he had verified his address from the Roll and that his address as given was in order."

Dr. Deshmukh in his statement says:

"The same day I telephoned to Mr. Nariman informing him that his address as given in the roll was 45, Esplanade Road. I also told him that Mr. Chhotalal had informed me that the Collector's office required his address on the nomination paper as given in the roll and that he had better look into the matter and if there was any mistake put the whole thing in order. A day or two there-

"After going through the rules and also consulting some legal friends, that if at all I was entitled to put in second nomination under Provincial Roll my first nomination must be first withdrawn, I accordingly did so in writing on the 11th October and at the same time tendered second nomination paper duly filled in according to Provincial Roll number."

The evidence on the other side is that Drs. Deshmukh, Sathye, Mr. Chhotalal and the Collector, all of whom say that Sjt. Nariman did not tender a second nomination paper.

Sjt. Nariman does not dispute that his act of withdrawing the nomination paper was deliberate and against the instructions and advice given to him. Sjt. Nariman admits that under Rule 11 (8) he could not cancel his withdrawal and be renominated for the same election. Sjt. Nariman presumably must have been aware that he was nominated as a candidate not only because of his popularity among non-Parsi residents of Bombay but also because he was believed to be capable of capturing a very fair proportion of Parsi votes. The consequence of that withdrawal was that he put himself out of the election altogether. Could such an act be described otherwise than as an abandonment of the cause of the Congress?

Sjt. Nariman attempts to defend his conduct in this way. He says to have allowed the nomination paper to remain on the record would amount to an act of deception or impersonation though he also says "I had signed the nomination paper under a mistaken belief that that name on the roll was mine." He further argues that to allow the nomination to remain on the Collector's record would amount to cheating under the Penal Code and personation under the Election Rules involving a heavy penalty. But the act of putting in a nomination paper which is incorrect in some particulars is not within the terms of any of the sections dealing with cheating or cheating by personation. The offence of personation there referred to is that of voting by personation. The nomination paper would have been dealt with and rejected by the Returning Officer at the time of scrutiny of nomination papers under Bombay Electoral Regulations Part III 3 (i) IV. Putting in

a second nomination paper correctly stating his name and address would not have been any the less effective in removing any suspicion of attempt at personation or deception, with the additional advantage of retaining his position as a candidate for election.

His next defence is that the construction of Rule 6 (1) (a) is doubtful. Assuming it to be so, nothing would have been lost by putting in a second nomination paper under that rule leaving the question of its validity to be determined at the time of the scrutiny. It may also be asked as to when doubt arose in his mind as to the construction of Rule 6 (1) (a). If the doubt had existed in his mind at any time before 10th of October why had he not taken any assistance to solve the difficulty in his mind? It would not have been considered necessary to take note of the defences put forth by Sjt. Nariman at this length if Sjt. Nariman had not the reputation of being an able and experienced lawyer.

The facts stated above indicate an entire absence of desire on the part of Sjt. Nariman to win the election for himself. One subsequent episode points the same way. Sardar Vallabhbhai returned from Wardha on the 14th of October. What passed between Sardar Vallabhbhai and Sjt. Nariman on that day between 8-30 A.M. and 11 P.M. is thus described by Sardar Vallabhbhai and is not contradicted in his reply by Sjt. Nariman.

.. 8 A.M. On my return to Bombay from Wardha, Sjt. Nariman repeated to me the story that he had given in his letter to the "Chronicle" in reply to Sjt. Tairsee, that he had attempted to submit a fresh nomination paper, but the Collector had rejected it. I told him that if his nomination paper was wrongfully rejected by the Returning Officer, it would clearly be a case for setting aside the election. I asked him to send a telegram to Government protesting against the Collector's action.

9 A.M. The telegram was drafted at Sjt. Bhulabhai's place and given to Sjt. Nariman for being despatched. He said he would forward the telegram immediately after going home and after looking up the Rules and quoting it in the telegram.

9 P.M. At night, I enquired from Sjt. Nariman on the telephone whether any reply had been received from Government. I was surprised to hear from him that he had not sent the telegram till then as he had not got the Rules.

10 A. M. Thereupon Sjt. Mangaldas B. Mehta, Solicitor, Dr. Jinabhai Desai and myself went to Dr. Deshmukh to get the Rules and as the rules could not be found there, we went to Sjt. Munshi's place to get them. Then we went to Sjt. Nariman and asked him to send the telegram. He hesitated very much and told me that the matter was trivial and should not be pursued any further. I said that if what he said was true, it was a most serious matter and would result in setting aside the whole election if it went against the Congress. Sjt. Nariman then stated that he had not got a telegram form with him. I had taken one with me and the telegram was written. Sjt. Nariman then coolly asked me to send the telegram, instead of arranging for it himself.

11 P. M. Dr. Desai and Sjt. Mangaldas Mehta dropped me on the way and themselves went to the General Telegraphic Office and sent the telegram.

The telegram runs as follows:

"Secretary, Legal Department, Poona; Register protest against Returning Officer refusal to accept second nomination though qualified as being on Provincial Roll under Rule 6 (1) (a) offering nomination paper again tomorrow. the Returning Officer if not accepted, will take action as advised."

Nariman.

Any comment on this is superfluous.

(Sd.) D. N. Bahadurji.

From the judgment it is clear that the main point and argument, from which an adverse inference against Mr. Nariman is drawn, is the fact of his insistence to withdraw the nomination paper, as soon as the error was discovered, in spite of the advice of Sardar Vallabhbhai Patel and

others to the contrary; they wanted him to put in a second nomination and allow the first to be rejected at the scrutiny.

Mr. Nariman had maintained in his statement that the act of his not withdrawing the nomination, after his coming to know of the error, would amount to his being prosecuted under both the Election Rules and the Indian Penal Code. With this view Mr. Bahadurji differed, without putting forth any substantial reasons for the same.

In his enthusiasm to draw adverse inference against Mr. Nariman, Mr. Bahadurji betrayed a glaring lack of the knowledge of Criminal Law. Mr. B. G. Velinker, one of the most eminent counsels of Bombay and with a huge practice on the criminal side, tore to shreds the whole judgment of Mr. Bahadurji on this issue. According to him Mr. Nariman's defence was legally correct and his attitude was worthy of a gentleman holding prominent position in public life. It will be quite relevant here to quote Mr. Velinker's opinion on the 1934 issue submitted by Mr. Nariman

1. Some material facts which have an important and immediate bearing on the questions, submitted to me for my opinion, may be briefly stated at the outset.

2. Mr. K. F. Nariman stands on the Rolls of the Advocates of the High Court of Bombay having been enrolled on 7th July 1910. He enjoyed a large and active practice in the Criminal Courts thereafter till about 1930.

3. In the month of October 1934 Mr. K. F. Nariman hereinafter called the Querist for brevity, was approached by Sjt. Vallabhbhai Patel and pressed to stand as a candidate for one of the two seats from Bombay City to the Central Legislative Assembly. The other candidate proposed was Dr. G. V. Deshmukh. The Querist was very busy at the time being the Chairman of the Reception Committee of the Bombay Session of the Indian National



Congress, which was to be held in a few days thereafter. He requested his colleague, Dr. Deshmukh, to attend to the matter of putting in his nomination paper. Accordingly, on 6th October 1934 Dr. Deshmukh took the Querist's signature on a printed nomination form which was blank. This was about four or five days before the last day fixed for accepting the nominations under the rules.

4. Shortly before the final day Dr. Deshmukh informed the Querist, that he was informed that the Querist's name on the Roll appeared as K. F. Nariman, 45, Esplanade Road, in A Ward Roll No. 2153.

5. On or about 10th October the Querist accompanied by Drs. Deshmukh and Sathye went to the Collector's Office and saw the Assistant or Deputy Collector who was in charge of the Election affairs. On going through the Roll it was noticed that the above name and address appeared there. The Querist then made inquiries from his brother's office. The name of the Querist's brother is Kekobad Framji Nariman and hence he has the same initials K. F. The Querist found out that '45, Esplanade Road' was the address of his brother's office (Gresham Building) where he works. Thus it was clear to the Querist, that the entry "K. F. Narman, 45, Esplanade Road, A Ward Roll No. 2153," mentioned in the Roll, referred to his brother and not to him. On ascertaining this the Querist and others carefully went through the whole Roll in order to find out whether there was another "K. F. Nariman" in any of the other Wards, particularly C and D Wards where the Querist had his place of residence and business. In spite of a very close scrutiny of the Roll, no other entry bearing the name of 'K. F. Nariman' was found in it. Thereupon, the Querist rushed to see Sjt. Vallbhobhal Patel at Victoria Terminus as the latter was leaving by train and informed him about this and asked him to request Mr. K. M. Munchi to put in a nomination immediately before the time for putting in nominations expired. Mr. K. M. Munchi was asked to put in his nomination forthwith, and in time, which he did.

6. As the Querist's name did not appear in the Electoral Roll and the entry 'K. F. Nariman, 45, Esplanade Road, 'A' Ward Roll No. 2153' found in the Roll was known to

the Querist to refer to his brother, the Querist thought it as advisable to withdraw the nomination paper which had been put in by mistake, apprehending that his act would have been challenged as impersonation of his brother. By his letter dated 11th October 1934, the Querist withdrew the nomination stating the reasons for withdrawal and also withdrew his deposit.

7. Sometime after this it was brought to the Querist's notice by some friends that even though his name did not appear in the Electoral Roll of the said constituency, nevertheless he was entitled to put in a nomination for the election if his name was entered "on the Electoral Roll of the Constituency or of a Constituency situated in the same province and prescribed for the elections to the Provincial Council" under Rule VI (1) (a) of the Legislative Assembly Rules.

8. Following this advice the Querist prepared a second nomination paper according to his name and number in the Bombay Provincial Council Electoral Roll with the same proposer and seconder viz., Drs. Deshmukh and Sathye respectively. He then went to the Assistant Collector and offered the said nomination paper. The Assistant Collector objected to accept it. The Assistant Collector referred *inter alia* to Part IV Rule 8 of the Legislative Assembly Rules which lays down "that a candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be re-nominated as a candidate for the same election" and maintained that the second nomination paper for the same election could not be accepted.

9. On 15th October 1934, the Querist wrote a letter to Sjt. Vallabhbhai Patel explaining to him why the second nomination paper was not accepted.

10. On the same day under advice from Sjt. Vallabhbhai Patel the Querist sent a letter of protest to the Returning Officer challenging his opinion and once again submitted a nomination paper.

11. These letters written at the material time set out the Querist's contentions and there is no reason to doubt the veracity of the statements of fact contained therein. Nothing further was heard about this matter. There was

no reply to the Querist's letter to Sjt. Vallabhbhai or to the Returning Officer. No complaint was made that the Querist had taken an improper, indiscreet or precipitate step in withdrawing his first nomination paper.

12. The following findings appear in the Judgment of the Tribunal consisting of Mr. D. N. Bahadurji and Mr. M. K. Gandhi.

"Sjt. Nariman admits that he was not qualified in 1931 to be on the Assembly Electoral Roll."

"To proceed with the admitted facts, on the 10th of October Sjt. Nariman saw Sardar Vallabhbhai at Bori Bunder Station and told Sardar Vallabhbhai that he was going to withdraw as his name was not on the rolls. Sardar Vallabhbhai in the presence of Mr. B. J. Desai, Mr. K. M. Munshi and Mr. Mathuradas Tricumji told Sjt. Nariman that he was not to withdraw his nomination paper but to allow it to be rejected if any objection was taken....."

"Sjt. Nariman was advised by one or more of them not to withdraw the nomination but to put in a second nomination paper under Rule 6 (1) (a) and to wait till the Collector rejected the first nomination paper. Sjt. Nariman against the instructions and advice given to him withdrew his nomination paper."

"Sjt. Nariman attempts to defend his conduct in this way. He says to have allowed the nomination paper to remain on the record would amount to an act of deception or impersonation though he also says "I had signed the nomination paper under a mistaken belief that that name on the roll was mine." He further argues that to allow the nomination to remain on the Collector's record would amount to cheating under the Penal Code and personation under the Election Rules involving heavy penalty. But the act of putting in a nomination paper which is incorrect in some particulars is not within the terms of any of the Sections dealing with cheating or cheating by personation. The offence of personation there referred to is that of voting by personation. The nomination paper would have been dealt with and rejected by the Returning Officer at the time of scrutiny of nomination papers under Bombay Electoral Regulations Part III 3 (1) IV. Putting in a second

nomination paper correctly stating his name and address would not have been any the less effective in removing any suspicion of attempt at personation or deception, with the additional advantage of retaining his position as a candidate for election."

13. On these facts and findings my opinion is sought on the following points:—

#### OPINION.

Q. 1 (a).—Whether the advice of Sjt. Vallabhbhai Patel and others not to withdraw the nomination and to allow the same to remain on the file till it was placed before the Returning Officer for scrutiny and then allow it to be rejected if challenged, if followed, would have exposed Mr. Nariman to the risk of prosecution under any or all of the Sections 182, 199, 200 and 419 read with Section 511 of the Indian Penal Code.

A.—Yes.

Q. I (b).—Whether the legal view expressed in the findings on page 7 para. (2) is correct.

A.—No.

Q. II (a).—Whether allowing the first nomination to remain till it was rejected at the scrutiny and the putting in of a second nomination under the Provincial Roll as suggested in advice by Sjt. Vallabhbhai and others, would have secured immunity to Mr. Nariman in law from a prosecution for any or all the offences mentioned in I (a).

A.—No.

Q. II (b).—Whether the adopting of such a course would not have made Mr. Nariman's position worse? Would not putting in a second nomination under Provincial Roll be rather construed as an admission that Mr. Nariman's name was not in the original Assembly Roll; and therefore material particulars disclosed in the previous nomination were false to Mr. Nariman's knowledge?

A.—Yes.

Q. II (c).—Whether the view expressed in the finding that putting in a second nomination under Provincial Roll with correct name and address without withdrawing the

first nomination and persisting thereby in relying on it as a valid nomination would have had the effect of dispelling suspicion or secured immunity from prosecution for the offence or offences mentioned in I (a), is correct?

A.—No.

Q. III.—Whether Mr. Nariman's conduct and attitude in this respect viz., in insisting upon withdrawing the first nomination after he was fixed with the knowledge that his name did not appear in the Legislative Assembly Electoral Roll at all, but the name and address which did appear therein were those of his brother, and in not listening to the advice to the contrary was in accordance to law and strictly in keeping with the standard of professional conduct to be expected from an experienced Advocate on the Roll of the High Court of Bombay?

A.—Yes.

Q. IV.—And generally on such legal aspects as arise from the facts and findings set forth above.

A.—I have nothing to add.

14. For the reasons I shall proceed to give in a moment my answers to the queries submitted to me are as set down against each query in the margin against it.

15. In my view it is clear from the facts found by the Tribunal that the instruction and advice given to Mr. Nariman by Sjt. Valabhbbhai and others was to persist in allowing the first nomination to remain on the file of the Returning Officer as it stood even after Mr. Nariman was fixed with the knowledge of the true facts till it was successfully challenged by somebody at the scrutiny and rejected by the Returning Officer on the day of the scrutiny. The idea was to sit tight on the nomination and to take the chance of the fraud not being detected at the scrutiny and so to pass off in that assumed name and contest the election on that nomination. If the fraud was detected only then, Mr. Nariman would have a second string to his bow and rely upon the second nomination paper.

16. Quite apart from the moral or ethical aspect of such conduct on the part of Mr. Nariman, which must be

obvious to any honourable and right-minded citizen, and confining myself to the purely legal aspect of it, I am of the opinion that if the advice had been followed, Mr. Nariman would have exposed himself to the risk of being prosecuted for an attempt to commit offences under Sections 182, 199 and 416 of the Indian Penal Code. A completed offence under Section 200 I.P.C. would also arise because that Section states "whoever corruptly uses or attempts to use as true any such declaration (as described in Sec. 199) knowing the same to be false in any material particulars shall be punished in the same manner as if he gave false evidence."

17. I shall presently deal in greater detail with each of the offences under Sections 182, 199 and 419 read with Section 511 of the Indian Penal Code dealing with attempts to commit offences. But before I do that, in judging the Querist's state of mind and the reasonableness of his apprehensions of the likelihood of a prosecution being launched against him, one must consider the strained relationship between the Querist Mr. Nariman and the authorities and fact that he had always been a strong critic and an opponent of the officials and by no means a *persona grata* with them. Was it unreasonable for Mr. Nariman in these circumstances to have apprehended, that if he had been trapped in perpetrating a fraud on the Returning Officer, he would not be spared by the authorities? I think not. The question is not whether Mr. Nariman would not have successfully defended any such prosecution but the question is whether he should have exposed himself to the risk of such a prosecution having regard to his position as an Advocate as also the position he held in public life.

18. Further, in my view those who advised Mr. Nariman not to withdraw his first nomination but to persist in relying on it after they were fixed with the knowledge of the true facts, as appears from the facts found by the tribunal and the letter dated 15th October 1934 to Sjt. Vallabhbhai Patel, would have exposed themselves to a prosecution for the abetment of the attempt to commit offences under Sections 182, 199 and 419, and the abetment of the offence under Section 200 of the Indian Penal Code. It is a common place of Criminal Law that the abetment of an attempt to commit an offence is itself an offence.

19. This would be a convenient place for a brief review of the Election Rules and Regulations of the Central Legislative Assembly in 1934. Under Rule 11 (6) a nomination paper can be rejected by the Returning Officer or other person authorised by Regulations for one reason only and that is if was not received before 3 O'Clock in the afternoon on the date appointed by local Government for nomination of candidates. Whatever defects may be apparent on the face of the nomination the Returning Officer or other person authorised is in my opinion under a legal obligation inter-alia to enter the serial number of the nomination paper delivered to him and cause to be affixed in some conspicuous place in his office a notice of nomination containing descriptions similar to those contained in nomination paper of the candidate and of the proposer and seconder (vide Rule 11 (7)). I am informed that in the instant case the Officer who received the Querist's nomination paper was not the Collector who is the Returning Officer but some Assistant or Deputy Collector who was authorised under the regulations. Unless a nomination paper was withdrawn it was the legal duty of that officer to transmit it in due course to the Returning Officer for hearing objection and for Scrutiny (vide Rule 15 (1) under Part III and Regulation (3) of the Bombay Electoral Regulations). On the date appointed for such scrutiny, it is the duty of the Returning Officer to examine the nomination papers and decide all objections which may be made to any nomination and he may either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, refuse any nomination on any of the grounds mentioned in that regulation. Sub-Clause IV of the said Regulation provides that one of such grounds may be that the candidate or any proposer or seconder is not identical with the person whose electoral number is given on the nomination paper as the number of such candidate, proposer or seconder as the case may be.

20. The point to be remembered in this connection is that unless Mr. Nariman had withdrawn his nomination paper the Assistant or Deputy Collector was bound in law to send it to the Returning Officer for scrutiny.

21. By his conduct in not withdrawing his nomination paper Mr. Nariman would have been persisting in giving information to a public servant, to wit, the Returning Officer or other person authorised, which he knew to be false, that is to say information that he was legally eligible to be nominated as a candidate on the facts set forth in the nomination paper as being the identical person being A Ward No. 2153 whose address was 45, Esplanade Road. This nomination paper in due course, would come before the Returning Officer for deciding objections and scrutiny. Section 182 I.P.C. runs as follows: "Whoever gives to any public servant any information which he knows or believes to be false intending thereby to cause or knowing to be likely that he would thereby cause such public servant to do or omit anything which such public servant ought not to do or omit, if the true state of facts respecting which such information is given was known to him shall be punished with imprisonment of either description which may extend to six months or with fine or with both." Applying this Section, by allowing the first nomination paper to go before the Returning Officer who undoubtedly is a public servant under the Penal Code, Mr. Nariman would be giving information to him which he (Mr. Nariman) knew to be false, intending thereby to cause the Returning Officer or knowing it likely that he would thereby cause the Returning Officer to deal with it under Bombay Regulation Part III Regulation 3 and allow it as a valid nomination, which he would not have done, had he known the true facts. In that case there would be a complete offence under Section 182 I.P.C. had the nomination paper reached him, which it would have done had it not been withdrawn. In fact, it did not reach him because Mr. Nariman very prudently withdrew it. By not withdrawing the paper as soon as the true facts came to the knowledge of Mr. Nariman he would have been in my opinion guilty of at least an attempt to commit an offence under Section 182 read with Section 511 of I.P.C. because whatever might have been the state of Mr. Nariman's mind when the first nomination paper was put in, at that stage Mr. Nariman's intention would have been to get the person authorised to transmit the nomination paper to the Returning Officer.

22. The fact that the person who received the nomination paper had come to know the true facts would make



no difference to his duty to transmit the same to the Returning Officer because under the rules he was bound to do so.

23. I shall now deal with Sections 199 and 200 of the I.P.C. Section 199 runs as follows:

"Whoever in any declaration made or subscribed by him which declaration.....any public servant or other person is bound or authorised by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence. The terms of Section 200 have already been quoted."

24. The relevant facts are that Mr. Nariman has signed the declaration as follows: "I hereby declare that I agree to this nomination." In my opinion it is implicit in this declaration that Mr. Nariman agrees to the statements and descriptions in the body of the nomination paper that is to say that he is the identical K. F. Nariman whose roll number is A Ward 2153 and whose address is 45, Esplanade Road. The moment Mr. Nariman came to know the true state of facts and that he was not the 'K. F. Nariman' aforesaid, what was his position? He was bound in law to have withdrawn the nomination paper unless he chose to adhere to it as he was advised to do and take the chance of the fraud not being detected. There is no question that (1) the declaration is subscribed by Mr. Nariman, (2) that the Returning Officer who is a public servant was authorised by law to receive it as evidence of the fact that Mr. Nariman was a candidate eligible for nomination on account of the qualification stated in the nomination paper; (3) that Mr. Nariman knew or believed to be false or did not believe to be true the statement re: his eligibility made in the nomination paper; (4) that the declaration contains statements material to the object for which the declaration was made.

25. No doubt Mr. Nariman does not make a declaration in so many words that the statements in the nomination paper are true. In my opinion, however, the effect of

those words is, that Mr. Nariman declares, that he is legally qualified to be nominated as a candidate in virtue of the fact that he is the identical person whose name is entered in the Electoral Roll as "K. F. Nariman, 45, Esplanade Road, A Ward Roll No. 2153." If this nomination paper had gone to the Returning Officer and Mr. Nariman had relied on it following the advice given to him, as a valid nomination, and allowed the Returning Officer to deal with it, knowing that he was masquerading as his brother, he would in my opinion have 'corruptly' used a false declaration under Section 200 I.P.C. The offence under that Section consists of corruptly using or attempting to use as true a false declaration.

26. The word "corruptly" is not defined in the Indian Penal Code. It must, therefore, be construed in its popular sense. Corruptly means in a corrupt manner. In my view corruption includes fraud, deception and every deviation from rectitude. Therefore, a 'use' intended to practise deception or fraud would be a 'corrupt' use.

27. It is unfortunate that the question, whether by not withdrawing the nomination paper after being apprised of the true facts and masquerading as "K. F. Nariman, 45, Esplanade Road, Roll No. A Ward 2153" Mr. Nariman would have incurred the risk of being prosecuted for any other offence or offences, under the Penal Code, than those of cheating by personation, did not present itself to the minds of the Tribunal. They address themselves only to the question of cheating by personation and to an offence under Section 171 D of the Indian Penal Code, namely, personation at Elections. The Tribunal dealt with this aspect of the matter of their judgment. They observe as follows:

"Sjt. Nariman attempts to defend his conduct in this way. He says to have allowed a nomination paper to remain on the record would amount to an act of deception and impersonation, though he also says: "I had signed the nomination paper under a mistaken belief that that name on the Roll was mine." He further argues that to allow the nomination to remain on the Collector's record would amount to cheating under the Penal Code and personation under the Election Rule involving heavy penalty. But the

act of putting in a nomination paper which is incorrect in some particulars is not within the terms of any of the Sections dealing with cheating or cheating by personation. The offence of personation there referred to is that of voting by personation.'

28. If by the word there in the last sentence is meant, under the Penal Code with all respect to the tribunal, I beg to differ from this statement of the law. It expresses in my opinion only half the truth, and is on that account misconceived and fallacious. The crucial question in my opinion is, *quo animo* the incorrect statement was made: was it made innocently under an honestly mistaken belief in its truth or fraudulently or dishonestly or with the state of mind described in the latter half of Section 415 of the Indian Penal Code? In the former case the incorrect statement would not amount to cheating, in the latter it would. It seems to have been assumed that the offence of cheating by personation would only be committed by voting at an Election. Personation at elections, is a new offence created by Section (2) of the Indian Election offences and Inquiries Act 1920 (39 of 1920) and inserted as Section 171 D, in Chapter IX-A of the Indian Penal Code, the relevant words of Section 171 D, are as follows:

"Whoever at an Election applies for a voting paper as voter in the name of any other person whether living or dead.....commits the offence of Personation at an Election" It is a special offence and does not affect the liability of any person under the other offences dealing with cheating by personation under the Indian Penal Code. Of course the offence under Section 171 D has no bearing on the points submitted for my consideration.

29. Again with all respect, the Tribunal was in error in not properly appreciating what the legal position of Mr. Nariman would have been under Section 415 I.P.C. read with Sections 415, 416 and Section 511 I.P.C., if after he had been definitely fixed with the knowledge that the entry 'K. T. Nariman, 45, Esplanade Road, Roll No. A Ward 2153' did not refer to him and that therefore he was not the identical person referred to in that entry, but his brother, he had persisted in relying on the first nomination paper, as a valid nomination. As I understand the finding of the

Tribunal, it implies that even if he had done so, he would not have rendered himself liable to be prosecuted for the offence under Section 419 read with Sections 415, 416 and 511 I.P.C. If I am right in so understanding it then once again I would respectfully differ from the same.

30. The observation of the Tribunal (page 7 (2) ) that the first nomination paper was "incorrect in some particulars," as I understand it, assumes that the entry in the Election Roll "K. F. Nariman, 45, Esplanade Road, A Ward No. 2153," actually referred to the Querist Mr. Khurshed F. Nariman but there was an inadvertent error in his address. In my opinion there is no factual basis for such an assumption. The identity was not the same. The entry in the Roll referred to the Querist's brother and not to the Querist. I am afraid this error has vitiated the reasoning of the Tribunal.

31. I would now very shortly proceed to deal with Sections 415, 416, 419 to 511 of I.P.C. Section 419 is the penal Section, the operative Sections are 415, 416. The relevant words of Section 416 are as follows: "A person is said to cheat by personation if he cheats by pretending to be some other person." It will be noticed that in the definition of "cheating by personation" the words if he cheats occur. Therefore, it is necessary to turn to the relevant words of Section 415. They are as follows: "Whoever by deceiving any person.....intentionally induces the person so deceived to do or omit to do anything if he were not so deceived and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to cheat"

32. Section 511 of I.P.C. deals with punishment of attempting to commit offences punishable with imprisonment. The offence described in Section 416 is punishable under Section 419 with imprisonment of either description for a term which may extend to three years.

33. I am of opinion that if after knowing the true facts, Mr. Nariman had not withdrawn his first nomination paper and had allowed it to go in due course before the Returning Officer for scrutiny, he would have been liable for prosecution for an offence under 419 read with 511 I.P.C.

In my opinion he would have by his conduct attempted to deceive the Returning Officer by intentionally inducing him to treat the first nomination paper as valid, if no objection had been raised to its validity; and this act on the part of the Returning Officer was likely to cause harm to him at least in reputation. I have in mind the case of Mahadavlal v/s Emperor reported in 7 Cal. Law Journal at page 325 and in 7 Cr. L. J. at page 342 decided in Calcutta. There A falsely represented himself to be a member of the firm of B, which firm were clients of Pleader C, went to the Pleader C, and instructed him to write a letter on behalf of B, cancelling a certain contract. C accordingly wrote a letter, but instead of despatching it to the addressee, sent it to B's shop. It was held that A was rightly convicted of attempting to cheat the Pleader.

34. The next question which I must consider is whether allowing the first nomination paper to remain till it was rejected at the scrutiny and the putting in of a second nomination paper under the Provincial Roll would have secured immunity for Mr. Nariman in law from a prosecution under Sections 182, 199, 200, 419 read with 511 I.P.C. or would such conduct on his part have made his position still worse from a criminal point of view. Putting in a second nomination paper would merely constitute subsequent conduct and subsequent conduct of a person is certainly relevant in judging whether there is any 'mens rea.' I fail to see how the combined effect of Mr. Nariman's persisting in relying on the first nomination paper along with the second could afford a good defence to his prosecution under any of the offences mentioned above for adhering to the first. Such conduct on his part would amount to an admission that his name was not on the Assembly Roll and therefore he was not qualified to be nominated under it and that the material particulars disclosed in the first nomination paper were false to his own knowledge or dispel any suspicion of his conduct being dishonest. How could he then by putting in a second nomination paper under an entirely different qualification undo the legal effect of adhering to the false first nomination paper. I rather think that it would have provided an additional circumstance to prove his dishonesty. The Tribunal in this connection makes the following observation. "Putting in a

second nomination paper correctly stating his name and address would not have been any the less effective in removing any suspicion of attempt at personation or deception, with the additional advantage of retaining his position as candidate for Election." With utmost respect to the Tribunal, I beg to differ.

35. Lastly, in view of the opinion I have arrived at, it only remains to be said, that in my view Mr. Nariman's conduct in withdrawing his first nomination paper in spite of the advice he had received from such influential quarters was strictly in keeping, not only with the standard of professional conduct to be expected from an experienced Advocate, but also from a gentleman holding prominent position in public life. He realised in time that the offence for which he might render himself liable to be prosecuted involved moral turpitude, and in my opinion very properly did not succumb to the temptation to which a less firm-minded individual might have easily succumbed, having regard to the quarters which advised him not to withdraw the first nomination.

56, Esplanade Road,  
Bombay.

Sd. S. G. Velinker,  
Barrister-at-Law.

17th November 1937.

After reading Mr. Velinker's opinion and his well-reasoned exposition of Criminal Law, Mr. Bahadurji could not have failed to realize the part he had played in marring the career of one of the greatest patriots of our times. Mr. Bahadurji's dormant genius, which blossomed forth under the inspiration of Gandhiji, soon withered away after Mr. Velinker's opinion. He has remained mum even after his attention being drawn to the fatal defects in his findings. Mr. Bahadurji in his finding has not considered the events, that took place after the election. They may not be strictly relevant from the legal viewpoint but they are certainly relevant as far as they show the motive of Nariman. If Nariman's intentions were to help Sir Cowasji in being

elected, there was no reason for him to move in the direction of getting his election set aside on a case prepared by him after collecting certain materials including affidavits of the parties concerned. Throughout his attitude was consistently innocent. His offer for an open enquiry soon after this election, was not accepted by Mr. Munshi and others because they could not have substantiated the charge. To charge Nariman of having been actuated by a communal motive is nothing short of lunacy. A significant incident given below, on careful perusal will be sure to tear to shreds, this charge.

After the Montford Reforms, having been accepted by the Congress with no doubt much ado, the Provincial Elections came in, and the Congress had nominated Messrs. Nariman and Balubhai Desai from the North and Mr. Ginala from the South. There was independent candidate against the Congress from the North—Mr. Hirjibehdin, the Editor of the "Kaiser-i-Hind", and this gentleman had every chance of being elected, had it not been for this much hated Nariman of the Sardar, who having secured sufficient votes for himself to be elected, requested the Parsi and Hindu voters to vote for Mr. Balubhai—another Congress candidate instead of Mr. Hirjibehdin—a member of his own community, and his best friend even, with the result that Mr. Balubhai was elected and Mr. Hirjibehdin failed with a small margin of votes only.

Nariman's past record is the surest guide to judge his conduct. He is not one of those opportunists who at times had betrayed the Congress, and when it suited his convenience passed off as a loyal Congressmen. It has become history by now that Congressmen like Dr. T. S. Rajan, Mr. Sarat Chandra Bose and others did defy the Congress at a

critical moment. It is still fresh in our memory that Rajaji was so much overwhelmed with distress at Dr. Rajan's conduct in the test local board election that he went to voluntary retirement and even abjured the four anna franchise of the Congress. And this self-same leader now works as an honourable colleague to the Madras Premier; and mark, Dr Rajan's selection as a minister has been highly approved of, and sanctioned by Sardar Vallabhbhai. Even taking it for granted that Nariman did commit an offence as Mr. Bahadurji makes out, the alleged conduct or misconduct of Mr. Nariman was less serious than that of this Honourable Madras Minister. People who have been known to have worked actively against the Congress in the past, have found place in the Congress Ministries. But Nariman has been treated differently, by the Congress High Command. Instead of being dealt with justly, he has been dealt with vengeance.

It must be remembered that all the facts mentioned in Mr. Bahadurji's judgment were three years old. Many things had happened after the election to show that Nariman enjoyed the confidence of Sardar Vallabhbhai and his colleagues. The Sardar had entrusted the supposed miscreant Mr. Nariman, with most responsible and delicate work and placed him or allowed him to occupy, highest positions of trust in the Congress. Why so, if the Sardar thought that Nariman had betrayed the Congress. Was he aiding and abetting him in this betrayal? If not, was he showing well-meaning indulgence? This indulgence could not be well-meaning, if for three long years no complaint or action of any kind was contemplated, then all of a sudden after this time Nariman should be ousted of the leadership of the Congress Party on the pretext of this three-year old alleged crime. It is an irony of fate that in Mr. Bahadurji's



opinion Nariman was found guilty of standing out of the election on certain issues, whereas on the same issues in the learned opinion of Mr. S. G. Velinker he was found not guilty. Mr. Velinker's opinion is thorough, exhaustive and accurate. No lawyer having knowledge of Criminal Law can differ from it. The lawyers of this city, further supported Mr. Velinker's contention, in an open letter to the "Bombay Sentinel". They conclude that because Mr. Bahadurji's long career has been to a large extent, confined to the civil side, a bona-fide mistake whilst handling a complicated criminal point, had crept in. With all respect to the view of these gentlemen, we have no hesitation in differing from it. If it was a bonafide mistake, Mr. Bahadurji should have by this time corrected it. All we can do is to say with Mr. Nariman "It is a tragedy of amazing ignorance and clever design. An innocent career is slaughtered on account of such intriguing ignorance."

"It is becoming increasingly clear that this insignificant and innocent incident of 1934 election was raked up, distorted and exploited, to raise a false smoke-screen of doubts and suspicions, in order to screen the wrong-doers of and to cloud the 1937 real issue."

## CHAPTER VII.

### THE PART PLAYED BY VALLABHBHAI—HIS INTERFERENCE PROVED BEYOND DOUBTS.

The charge against Sardar Vallabhbhai, in Mr. Nathan's words was:

"Hence so far as he is concerned the only issue to be decided is whether he did or did not directly or indirectly influence the election."

On the strength of the statement submitted to the tribunal, he maintained that the Sardar did influence the election of the Leader, and if it were not for his influence and interference the result would have been different.

From a strictly legal point of view, the charge of interference can be proved by

- (1) Circumstantial evidence,
- (2) The evidence of the witnesses, i.e. in this case, the M.L.A.'s.

The charge of interference would be said to be sufficiently proved if even a single vote was influenced by the Sardar in favour of any one candidate. It has nowhere been suggested that the Sardar caught hold of each and every M.L.A. and pressed him to vote for Mr. Khan. Sardar Vallabhbhai's position in his own words was "that he did not influence a single vote". The tribunal had to decide whether the Sardar did not influence a single vote as he claimed to, or he did influence, as Mr. Nathan charged him with. Whether the Sardar had a right to influence the voters or not, was beyond the field of the tribunal. The best judge of that question would be the Congress itself.

There were about 83 statements submitted to the tribunal; some of them throwing light on this question. Mr. Nariman was given an opportunity of arguing his case before Mr. Bahadurji, which he did. The result at which Mr. Bahadurji arrived is put before the public from what appeared in the Press.

It may be observed that the language of the charge made is vague and the charge, if it means anything at all, means that Sardar Vallabhbhai had no right whatsoever to give expression to his opinion, when and as to who would be a proper person to be elected as Leader of the members of the Bombay Legislative Assembly. However that may be, on carefully going through the voluminous evidence put in on the enquiry, the facts in connection with this election appear to be simple and clear.

It appears that the question of the Leader was first considered by and among Messrs. Deshpande, Deo and Patwardhan in or about the last week of February, 1937. They appear then to have made up their mind that neither Mr. Nariman nor Mr. Munshi would be the right person. Their idea was that Sardar Vallabhbhai should be the leader and failing him Mr. Kher should be elected. Being of that opinion they approached Sardar Vallabhbhai and pressed him to accept the Leadership. Sardar Vallabhbhai declined. Messrs. Deshpande, Deo and Patwardhan mentioned the matter to Pandit Jawaharlal Nehru and Mahatma Gandhi at Wardha where they had gone at this time in connection with CONGRESS MATTERS. As Sardar Vallabhbhai persisted in his refusal they suggested the name of Mr. Kher and asked Sardar Vallabhbhai's opinion on the question. According to them Sardar Vallabhbhai had no objection if Mr. Kher could be induced to accept the heavy responsibility of a Leader. Upon that Messrs. Deshpande, Deo and Patwardhan undertook to persuade Mr. Kher to accept the leadership.

In the beginning of March three leaders of Karnatak and Maharashtra came to Bombay and interviewed Mr. Kher about the 2nd and 3rd of March. They left Bombay for their respective districts on the 4th March. Up to that time as they had received no definite reply from Mr. Kher

they left the work of persuading Mr. Kher through certain friends of his, who were believed to have influence over him. From the evidence it appears that Mr. Nariman was not unaware of the fact that efforts were made to induce Mr. Kher to accept the position of Leader.

On the 3rd March, Sardar Vallabhbhai arrived in Bombay and on the same day Mr. Nariman sought an interview with him. On the 4th March, Mr. Nariman took Sardar Vallabhbhai for a drive to Worli to discuss the question of appointing a Leader. What passed between them at this interview is stated in more or less detail in their respective statements.

Their statements do not agree in all particulars, but they agree in this that Sardar Vallabhbhai told Mr. Nariman that he would not support him and gave Mr. Nariman his reason for such attitude of his. Amongst the reasons given was that Sardar Vallabhbhai was dissatisfied with Mr. Nariman's conduct in connection with the Legislative Assembly Election in 1934. At the same time Sardar Vallabhbhai told him that he did not intend to work actively against him. After this Sardar Vallabhbhai left Bombay.

The meeting for election of Leader was fixed for the 12th March.

Before they left Bombay it was arranged between Messrs. Deshpande, Deo and Patwardhan that they should return to Bombay on 11th March so that if by that time Mr. Kher had not made up his mind they may have the opportunity to persuade him to accept the Leadership.

On 10th March the elected members of the City of Bombay and the Suburbs met at the Congress House to consider the situation and discuss the future of the Party organization. Mr. Nariman presided at the meeting. This meeting was unanimous in its view that as far as possible all contest should be avoided and an understanding should be arrived at beforehand so that the Leader of the Party and other office-bearers are elected unanimously. The meeting also decided that Sardar Vallabhbhai should be requested to meet the leaders from Karnatak and Maharashtra to know their views on the question of election of office-bearers so that there might be unanimity in what-

ever the meeting of the legislature did. This opinion of the Bombay and Suburban legislators was communicated to Sardar Vallabhbhai by Mr. Nariman on the 11th March and Sardar Vallabhbhai informed them of the Bombay Group's resolution of 10th March. They said that they would consult their members after their arrival and communicate the result to Sardar Vallabhbhai.

The Maharashtra and Karnatak members arrived in Bombay on the 11th and put up at Sardar Griha.

What passed at Sardar Griha on the night of 11th between the elected members of Maharashtra and Karnatak and Messrs. Deshpande, Deo and Patwardhan has been described by Mr. Nariman in his statement. Mr. Nariman was not a witness to what passed between them. Under the circumstances one can only rely on the written statement is that they being the leaders of their respective districts considered it their right and duty to give their opinion to the legislators of their respective districts, so as to guide them in their choice of a leader. On the basis of such right and duty they expressed their opinion against Mr. Nariman whom they had known personally for years. They say that they gave at the same time their reasons for not approving Mr. Nariman as the Leader. From their statements it appears that one or the other of them had mentioned that in Sardar Vallabhbhai's opinion Mr. Nariman was not desirable. They also stated that Mr. Kher's name was discussed at Wardha and was not disapproved by Pandit Jawaharlal Nehru and Gandhiji.

Most of the Karnatak and Maharashtra legislators have put in their statements. Their account of what happened at Sardar Griha substantially corroborates the statements of Messrs. Deshpande, Deo and Patwardhan.

On the 12th March the meeting of the legislators for the purpose of electing their Leader was held. The Press was excluded from the meeting. Mr. Nariman absented himself from the meeting. As to what happened at this meeting one cannot rely either on the Press report of the meeting or on Mr. Nariman's account of it. The statements of those present at the meeting would be the proper evidence to rely upon. Those statements read carefully show that the meeting was orderly and the proceed-

ings adopted were on the lines laid down in the resolution of the 10th March referred to above. This shows that it was informally ascertained, who had the majority. The statements are almost unanimous that Mr. Kher had the majority; that Sardar Vallabhbhai made no attempt to influence the vote of anyone of them. Only two or three of the legislators say that when they asked Sardar Vallabhbhai why Mr. Nariman should not be elected all that he said in reply was that that he did not want that Mr. Nariman should be the Leader but that if they wanted to vote for him they could do so. This cannot be called an attempt on the Sardar's part to influence the election.

It further appears from these statements that on ascertaining that Mr. Kher had the majority his name was formally proposed and passed without anyone voting against the proposal. It would thus appear that the election was not influenced by improper conduct on the part of anybody or that the choice was made under any undue pressure from Sardar Vallabhbhai Patel.

As regards the telegrams dated 9th March from Sardar Vallabhbhai to Messrs. Deshpande and Sharkarrao Deo, on which Mr. Nariman so strongly relied, there is nothing in the evidence to warrant the inference that Mr. Nariman draws from them that is, that the Sardar wanted to influence the election through them. In respect of those telegrams Mr. Deo and Mr. Patwardhan had made a statement on June 9 and Mr. Deshpande on June 11, explaining their origin and purpose. Their statement is the only positive evidence. It contradicts Mr. Nariman's inference.

The said telegrams have also been referred to and explained by Pandit Jawaharlal Nehru in his letter of the 17th June, 1937, to Mr. Nariman. Any reasonable person would have been satisfied with what is said in those statements and the letter. It is therefore, unnecessary to say anything more in respect of them.

All the statements received—about 83 in number—were placed at the disposal of Mr. Nariman. He inspected and took copies or extracts from about 58 of these statements. Mr. Nariman was also given an opportunity of arguing his case before Mr. Bahadurji, which he did. The result of this labour is that the charge made by Mr. Nariman against Sardar Vallabhbhai Patel is not proved.

One wonders whether this is a judgment or the arguments put up by a prosecuting pleader. A more eloquent defence of the Sardar would be certainly difficult to make. It is a tragedy of Bahadurji's life, that, he should have allowed this 'judgment' to be associated with his fair name. He had before him a grave public duty to perform. This singular honour of sitting in judgment on a matter of such vital public importance was not devoid of its responsibilities. It was not a question of obliging Gandhiji, then in weak health. It was not a question of his personal views of the whole issue. It was not the question where personalities however great, counted. It was primarily a question whether in the greatest democratic organisation of our country, any sort of fascism, autocracy or injustice, existed or not. On the result of this enquiry depended, the issue of how far public life was healthy. It would have made no difference to the public if the Sardar was in place of Mr. Nariman and vice versa. It was a question of broad principles. Mr. Bahadurji failed in his duty to the public. He proved utterly unworthy of the trust that the public reposed in him. Even the man devoid of his attainments, intellect, and legal acumen would come to the honest conclusion that a strong case of the Sardar's interference has been made out from the very facts and incidents mentioned in 'judgment,' not to mention the fact that whatever went against the Sardar directly, is not even made a passing reference to. It would only be in the fairness of things to take up the different points raised one by one by Mr. Bahadurji in his judgment.

Mr. Bahadurji has no conclusions to draw from the Maharashtra and Karnatak's leaders of their happy family arrangement of first approaching Mr. Patel for the leader-

ship, and on his refusal, the second best man they thought of was the obliging Mr. Kher. Says Mr. Bahadurji:

"Sardar Vallabhbhai told Mr. Nariman that he would not support him and gave Mr. Nariman his reasons for this attitude of his. At the same time Sardar Vallabhbhai told him that he did not intend to work actively against him."

But just below this statement appears the account of the meeting of the Maharashtra and Karnatak members at Sardar Griha, wherein he relies on the statement of these three leaders, adding,

"From their statement it appears that one or the other of them had mentioned that in Sardar Vallabhbhai's opinion Mr. Nariman was not desirable."

If Mr. Bahadurji believes in the statement of these leaders, then the obvious conclusion is that the Sardar told these three leaders that Mr. Nariman was not desirable, which amounts to positive influence on other elected members of the Legislature. Why does Mr. Bahadurji not rely on the statement of these leaders? Is only that portion of their statement reliable which goes in favour of the Sardar, and unreliable which goes against him?

Later on in the matter of the meeting of the 12th March, relying on the statements of only those who were present in the meeting he says:

"Only two or three of the legislators say that when they asked Sardar Vallabhbhai why Mr. Nariman should not be elected, all that he said in reply was that he did not want that Mr. Nariman should be the leader but if they wanted to vote for him they could do so so."

This piece of literature cannot be called the part of a judicial enquiry. It is a pro-Vallabhbhai statement. Mr. Bahadurji's choice of the language is deplorable. "Only two or three legislators," he says, pray why 'only'. Does he want



thereby to minimise the importance of their statements? Mr. Bahadurji reminds us of the argument advanced by the mother of an illegitimate child that "it was only a small one." Apart from this amusing side of his logic, what does he mean by "only two or three". Either there were two legislators who made the statements or three. Was it not his duty to have ascerained from the statements before him? He was writing a judgment and not a schoolboy's essay. On the strength of this statement, we challenge Mr. Bahadurji to say if this was not interference, what else was it? Any other inference would be, but an act of lunacy.

The most important evidence of the two telegrams has been cheaply explained away in the judgment. Mr. Bahadurji relies on the statements issued by the three leaders, and Pandit Jawaharlal. Mr. Bahadurji has conveniently forgotten to make any reference to Dr. Chandulal's explanation of the telegrams in the light of which the explanation of the leaders is anything but true. Dr. Chandulal is a well-known leader of Gujarat. He was pro-Vallabhbhai in his statement made in the Sardar's defence. He was the man who had asked the Sardar to send the telegrams. In spite of this, the primary evidence of the man on the spot who played an important part in the despatch of the telegrams revealed publicly himself in the press, is not even recorded the courtesy of consideration.

Mr. Bahadurji has murdered justice. Why has he suppressed all the evidence that went against the Sardar? More than 16 M.L.A.'s corroborated in their statements submitted to the Tribunal that till the last, they remained loyal to Nariman, but when the Maharashtra leader took them to the Sardar on the terrace during the interval, they ceased active opposition since.

Mr. Nariman in a statement to the press cites the following statements of the M.L.A.'s of interference from the statements submitted to the Tribunal.

I. Mr. B. Chakranarayan, B.A., LL.B., (M.L.A.) Maharashtra writing about the said meeting in the Congress House states—"Sardar Vallabhbhai Patel was the principal speaker of the evening....He said that Bombay had no leader....Why in face of the fact that Mr. K. F. Nariman was the President of the B.P.C.C. and had filled that office with acceptance for some years such remarks should have proceeded from Vallabhbhai is a mystery....seemingly leaving it to the members to make one (choice) Vallabhbhai definitely offered to recommend a name—if the members had no objection—It was obvious that Vallabhbhai was anxious to take the matter out of the hands of the members for some unknown fears and the facility with which he succeeded in securing a meek surrender of their right of choosing their own leader from the members was indeed astonishing. The moral pressure exercised stifled all protest. No voting took place and Sardar Vallabhbhai took the silence of the members as consent....There was no voting. To me it was a relief from the oppressing atmosphere where the sacred rights of elected representatives of the people to choose their own leader were so dexterously violated by the Sardar with the aid and assistance of Deshpande and others....'The hand was the hand of Esau but the voice was the voice of Jacobi'. Would you be surprised, Sir, if I felt painfully disappointed that such intriguing should take place as transparently in a body that professed to stand for the most enlightened principles of democracy. It will be a weary way to Swaraj so long as practice is divorced from principles."

II. Mr.....B.A., LL.B., Advocate, M.L.A., Maharashtra (an acknowledged leader of Maharashtra), states:—

Mr. Achut Patwardhan even went to the length of saying that Sardar Saheb will vote against office acceptance if Mr. Nariman was elected....

....To my knowledge nobody was consulted. Outside workers....non-members were trying to influence the result of election of leader. As far as I know all members of

Maharashtra were not consulted....Before that on 8th March "about twenty representative members of Maharashtra had met at Poona and accepted the suggestion that Mr. Nariman should be the Leader."

III. Mr. .... B.A., LL.B., Advocate, M.L.C., Maharashtra.

"Sardar Vallabhbhai Patel disowned any intention to influence the decision of the meeting, but I have no doubt whatever that in effect he did influence the decision".

IV. Mr. .... B.A., LL.B., Advocate, M.L.C., Maharashtra, (a veteran leader).

"In the Swarajya Party in the former Council and also on my observation of the sufferings of Mr. Nariman..... and in his unswerving loyalty during our old Council career .....On account of all these the Maharashtra Group at least apparently expected the choice of Mr. Nariman as the leader.....But for the controversy.....and the dissenting voice of the leaders of the Congress Group his (Mr. Nariman's) choice would have been a matter of certainty". .....Besides the above about a dozen non-Brahmin Members corroborate the fact that till the last they remained strong supporters of Mr. Nariman when Maharashtra leader took them to Sjt. Vallabhbhai on the terrace during the interval and after that interview they gave up active opposition.

The above brief extract of impressions of some of the responsible and influential members themselves who were present at the meeting will give an idea as to whether there was any free and unfettered voting on the 12th March and how the proceedings tragically contrast with the democratic scenes witnessed at the last delegates' election on the 19th December, when some officers kept vigilant watch on each voter as he entered the Hall and would not let him be approached either by candidates or by their agents.

Mr. Bahadurji suppressed this sensational evidence of the M.L.A.'s in his judgment and thus entirely vitiated his findings.

## CHAPTER VIII.

### A SCANDALOUSLY BASELESS JUDGMENT.

(By Maneckji Kavasji Patel).

(A Congressman of 46 years' standing and the oldest Parsi politician reviews the Gandhi-Bahadurji judgment in the following terms:—)

There is no man more convinced than myself that we could not allow the unparalleled wrong done to a selfless patriot of the type of Vir Nariman to remain unredressed, without national dishonour, without endangering national unity and without destroying to a great extent the prestige of the Congress. National honour is a sacred heritage, and any nation that disregards it is doomed. As true lovers of our country we are bound by honourable obligations to defend the integrity of the Congress.

As long as truth or justice can be supposed to influence the conduct of man; as long as man is admitted to be a creature under the control of reason; so long it is the duty of justice-loving Indians to protest against the stupendous wrong inflicted upon Vir Nariman, and to procure discussions on the subterfuges employed for his undoing by his avowed political enemies. Truth has exposed the treacherous iniquity which deprived this country of the services of a selfless patriot; truth has destroyed the flimsy pretext under which this iniquity is sought to be continued; whilst reason and justice combine to demonstrate our right to address a monster petition to Gandhiji for the redress of the just grievances of the people's hero.

It is true, that so far, Mahatmaji has resisted both truth and justice. Passion and prejudice seem to have confound-

ed and darkened his understanding; and interested persons have successfully employed all their arts and cunning to prevent him from doing justice to Nariman; but we should not despair of ultimate success, unless we are luke-warm in our efforts to obtain justice or are disturbed in our course by those who style themselves our friends, but are really our hidden enemies.

### **Criminal Indifference.**

We live in a new era—a melancholy era—in which injustice and oppression are sanctioned by high authority. And let it be said to our eternal shame that the leading lights of the Congress have been looking on with criminal indifference, and have been base enough to be faithless to their erstwhile political colleague and co-adjutor, the indifference arising from either timidity, or a perverted calculation of self-interest, or a paralysis of the sense of honour and duty. Vir Nariman is a man who has sacrificed his all for the sake of his country and is outraged and insulted in every way, his rights trampled under feet, his independence strangled, his enemies' tales made use of as affording the easiest and most convenient method of ousting him from the position to which he was entitled by the votes of independent electors.

What account could we, the people of Bombay, render to the tribunal of our conscience and sense of honour, when, in complete neglect of our solemn obligations, we have endured, and not done our best to prevent or to avenge, these intolerable wrongs? For my part, I say that sooner than be silent witnesses, which means in effect willing accomplices to this tragic triumph of might over right, and of brutality over freedom, I would like to see all truth and justice-loving Congressmen resigning in a body from the Congress.

## Political Bigotry.

Rendered partial by his political bigotry, and corrupted by prejudices, inflated by flattery and bloated in his dignity, Vallabhbhai Patel made use of his position in the Congress to hew down the legitimate ambition of Nariman and interfered with the election of the leader of the Legislators. Vallabhbhai, the minion and the spoiled child of the Congress, has been guilty of the most outrageous cruelty towards Nariman. The hand of vengeance has accomplished its dark and hideous work. The Working Committee may satisfy itself and delude the public with reports of Nariman's offences. But the spirit of justice animating the Indians refuses to believe in the guilt of Nariman, notwithstanding the precious judgment of Bahadurji and Gandhiji, which has been rightly characterised by Mr. Horniman as "A Travesty of Justice."

### Bahadurji's Judgment.

I have read Mr. Bahadurji's judgment very carefully, and have found it to be a congeries of false deductions and absurd conclusions, as I shall presently show. Could it have been believed that any man—much less a Barrister of the renown and reputation of Mr. Bahadurji—could have contrived to accumulate such a mass of false deductions from obvious facts. Some of the conclusions drawn by him, from the statements submitted for his consideration, are so extraordinary that one wonders how a lawyer of his experience and acumen could have made himself responsible for such a judgment. The metaphysical refinements indulged in by the two self-appointed Judges, attempting to show that Nariman was guilty of a stupendous offence in 1934 have been pronounced by competent authorities as futile, frivolous and groundless. The greater part of Bahadurji's judg-

ment is devoted to the events which took place in 1934, although a definite assurance was given by Mahatmaji that Nariman's case would not be allowed to be prejudiced by the events which took place in that year. In his defence, Mr. Nariman urged **pro virili** the wisdom and necessity of acting as he did during the election of 1934, and Mr. Velinkar has fully justified every argument advanced by Vir Nariman in his defence. The cobweb links of sophistry in which truth was entangled were ruthlessly cut down by Mr. Velinkar.

### **A Baseless Verdict.**

Now let us for a moment critically and dispassionately examine Mr. Bahadurji's judgment. Any one who has gone through it carefully could not fail to see that in pronouncing Nariman guilty of the charge against him in respect of the election of 1934, Mr. Bahadurji has erred in the most egregious manner and given a verdict not at all warranted by facts. The whole of this matter hinges on the question whether Nairman had or had not offered a second nomination paper on the 11th October 1934. To justify his erroneous verdict Mr. Bahadurji says:—"Whether Mr. Nariman offered a second nomination or not is in dispute". Why is 't in dispute? Mr. Nariman had clearly and emphatically said:—"After going through the Rules and also consulting some legal friends I came to the conclusion that if at all I was entitled to put in second nomination under Provincial Roll, my first nomination must be first withdrawn, and I accordingly did so in writing on the 11th October, and at the same time tendered second nomination duly filled in to Provincial Roll number." Mr. Bahadurji has not told us why he doubts this statement of Mr. Nariman. Does it not show that either his mind was deeply prejudiced against Nariman from the beginning, or that he had entered into a

sort of unholy alliance with Gandhiji to bring disgrace and discredit on Nariman?

As regards the original charge of Nariman against Vallabhbhai Patel that the latter had unduly influenced the election of the leader of the Legislators, it may be said with absolute truth, that here also Mr. Bahadurji ignores facts and gives a verdict not at all warranted by some facts stated by himself in his judgment. He says in his findings:—"The charge made by Mr. Nariman against Sardar Vallabhbhai Patel is not true". This astounding finding of Mr. Bahadurji is directly negatived and disproved by the facts which he himself states in his judgment. He says:—"Two or three of the Legislators say that when they asked why Mr. Nariman should not be elected all that he (Vallabhbhai) said in reply was that he did not want that Mr. Nariman should be the leader, but that if they wanted to vote for him they could do so." If this cannot be called an attempt on the Sardar's part to influence the election, I do not know what can be. In a few words, Vallabhbhai emphatically said that he did not want Nariman to be the leader, and, like dumb-driven cattle, the legislators voted against Nariman, because sufficient canvassing against him had been done beforehand by the Sardar's three satellites—Patwardhan, Deo and Deshpande.

Blindly addicted to the opinions of their master Vallabhbhai Patel, and bound and compelled to swear to them, the Legislators, who had gathered to elect the leader of the Congress Party, had no option but to vote blindfolded against Nariman. The Sardar left them no choice whatever. He told them bluntly that he did not want Nariman to be the leader. And yet we are told by Mr. Bahadurji that the Legislators were not influenced by the Sardar and their decision was unfettered and unshackled.



### **Transparently Dishonest.**

By a curious irony of fate, Gandhiji, who was, evidently, from the very beginning, privy to the plot laid by the Sardar for Nariman's undoing, appointed himself the final arbiter in the matter, and he pretended to concur with the judgment of Bahadurji, as if he were an absolutely disinterested and impartial judge in the case. The whole thing was so transparently dishonest that even he who ran could see it.

Thus it would appear that from the very beginning of the controversy which ultimately led to the preposterous and astounding declaration that Nariman was not fit to hold any position of trust and responsibility in the Congress. Gandhiji and his henchman Vallabhbhai were not disposed to treat the question amicably and equitably; and to consider, revise and repeal if it should be found necessary to do so, those Mahatmic declarations, which have disseminated confusion in the ranks of the B.P.C.C., distrust in the probity and integrity of Gandhiji, and serious apprehension in the minds of the minority communities, as regards the safety of their interests, when India attained Purna Swaraj.

### **Political Persecution.**

The narrow maxims of obnoxious tyranny which have ousted Nariman from the positions to which he was entitled by the vote of his countrymen have brought disgrace upon the fair name of the Congress, and the question is asked every where whether the spirit of persecution is never to be appeased, and whether Vir Nariman is to continue to sustain the infliction of the unexampled severity, beyond the bounds of reason. The whole history of the Congress does not reveal a single instance of such wanton political persecution and victimisation as is afforded by the Nariman

ears, as a pot is by the handles. Mahatma Gandhi was long the idol of the people of Bombay, but is now their **bete noire**. Inflated and inspired by what is called the **popularis aura**, Mahatmaji and the Working Committee thought that they could "finish" Nariman, by pronouncing an **ex cathedra** judgment against him and declaring him unfit to occupy any position of trust and responsibility in the Congress.

### **Voters Mocked at Working Committee's Decision.**

The means of enforcing this thralldom have been found to be as ridiculous and weak in practice as they are unjust in principle. The electors of the D Ward voted for Nariman solidly and registered 8,000 votes in his favour, after he was **declared unfit for any position of trust and responsibility in the Congress**, as if the voters wanted to mock at Mahatma Gandhi and the Working Committee and all their hollow pretensions. The decision of the Working Committee was thus publicly flouted. Never was there a greater humiliation for a political body pretending to be all-powerful than this. The vain declaration of the omnipotence of the Working Committee and its imperious doctrine that there is no authority higher than its own in India, for deciding all questions of Congress indiscipline, have been found to be equally impotent to convince or to enslave, the independent voters of the D Ward, who feel that tyranny, whether exercised by an individual Congressman, however high may be his position, or by a body like the Working Committee, is equally intolerable to independent and justice-loving Indians.

### **Repeal the Obnoxious Judgment.**

The inglorious spirit of Fascism which appears to animate the Congress hierarchy, attempts to impose servitude

even upon men of the type of Nariman, to establish despotism over a nation that numbers thirty-five crores—a vain and futile attempt. The despots of the moment shall be forced ultimately to retract, all their violent oppressive acts will be undone and repealed—repealed by themselves. If the Congress bosses are wise, they should repeal the judgment pronounced against Nariman, with a dignity becoming their exalted situation. They should establish peace, concord, and harmony among all those who have been working for the emancipation of the Motherland. They should act with prudence and justice, while there is yet time to do so with grace, dignity and effect. Every motive of justice and policy, of dignity and prudence, urges the Congress High Command to allay popular discontent in Bombay over the Nariman affair, by repealing the obnoxious judgment, and by a demonstration of amicable disposition towards all well-wishers of the country. The whole question should be negotiated *ab integro* and justice should be done to Nariman, if the Congress cares for the minority communities. The public mind will not be appeased till the wrong is righted. The Citizens' Committee will not allow the tragedy to be forgotten; neither will the "Bombay Sentinel" and its valiant Editor Mr. Horniman.

### **Remember What Fox Said.**

It must be admitted for the sake of truth that during the whole of this controversy, Mr. Nariman did not do justice to himself. The bugbear of Congress discipline frightened him too much to allow him to act with firmness and sound commonsense. He attempted to placate Mahatmaji and so adopted a policy of vacillation which disappointed his best admirers, but that surely could be no justification for the unparalleled wrong done to him. The Congress to-day is the poorer for the loss of the services of such a

staunch, disinterested and selfless patriot as Vir Nariman. He always speaks on the liberty of the people with refreshing candour and a directness that has often been missed in our Congress rhetoric, while it has always been a merit of English speaking at its best. During the War of American Independence, Charles James Fox told the House of Commons:—"Every blow you strike in America is against yourselves." Equally truthfully, it might be said that every blow that the Working Committee strike against Nariman is against themselves and the Congress.

### Day of Retribution.

Nariman has been betrayed—he has been sold, his death sentence has been written by the Mahatma, by him whose love for Nariman no one had ever dared to doubt. Yes! in the fervour of my boldest thoughts I should have almost as soon doubted of the existence of the Omnipotent, as have believed that Mahatma Gandhi could ever betray Nariman. Those who practice oppression against Nariman at present should remember that the whirligig of time brings about strange revenges—the persecutors and the persecuted often change places; it is the latter who are great, the former who are infamous. In the terrific moments of retaliation, the tyrants of the world find that "the ingredients of their poisoned chalice are commended to their own lips". The day of retribution never fails to come, though it may be late in coming.

## CHAPTER IX.

### MR. NARIMAN'S CRIME.

It is curious that the strongest condemnation that Mahatma Gandhi and Mr. Bahadurji could pronounce on Mr. Nariman's conduct in the 1934 election was that certain actions of his could be construed as leading to an abandonment of the Congress cause. This condemnation moreover was based upon the single isolated question whether Mr. Nariman was justified in withdrawing his first nomination paper after he was fixed with the knowledge that it contained some false entries. Mr. Bahadurji contends that Mr. Nariman should not have withdrawn the paper. Mr. Velinker, a lawyer of great repute contends that if Mr. Nariman had not withdrawn the first nomination paper he would have been liable to be prosecuted under several sections of the I. P. C. It is a recognised practice in law that when the judges disagree on a certain point so fundamentally, the benefit of doubt is generally given to the defendant. Beside except this most doubtful point, there is nothing,—absolutely nothing in the entire twentyfive years' record of selfless service that Mr. Nariman has rendered to the Congress and the country to show that he has ever been guilty of disloyalty and betrayal of trust. The accusations that were hurled against Mr. Nariman by Sardar Vallabhbhai Patel and his assistants were all deliberately cooked up to discredit him in the eyes of the Congress M. L. A.'s and disqualify him for the leadership of the Congress Legislative Party.

But in the eyes of Sardar Vallabhbhai Patel, Dr. Chandulal Desai and others, Mr. Nariman had committed a greater crime. He had actually dared to publish in the

form of two books, his frank, fearless but at the same time respectful criticism of certain methods and tactics of Mahatma Gandhi. Mahatmaji himself, it appears, did not mind the criticism. Mr. Nariman says in his preface to "Whither Congress":—

"Mahatmaji's assurance during my visit to Wardha, shortly after my release, that he was a democrat of democrats, and would welcome all public criticism of his political acts, gave me further encouragement and removed all doubts and hesitancy as to the propriety or otherwise of such publication at this juncture."

Mahatmaji could tolerate Mr. Nariman's criticism but it was too much for his orthodox followers Dr. Chandulal Desai in a sudden outburst of anger said in one of his statements to the press that Mr. Nariman would have been court-martialled in any other country for breaking the Congress discipline at a time when the Congress was engaged in a life and death struggle with British Imperialism; obviously Dr. Chandulal forgets that Mr. Nariman's first book was published after the mass civil disobedience was called off at the Poona Conference and individual civil disobedience was established in its place. Mr. Nariman could not attend the Poona Conference as he was in jail at the time and he published his "Undelivered Speech," so that it may reach all the Congressmen in the country. Mr. Nariman felt that the Congress was being disbanded and he felt it to be his duty to make efforts to restore it.

He felt that the Mahatma's new idea of substituting individual for mass civil disobedience was disrupting the Congress organisation and with an embittered feeling he writes,

"This is the powerful, pet, popular, political organisation that has successfully weathered so many storms, that

has survived so many ordeals, that has stood firm like a rock, the only Indian citadel and fortress to safeguard and protect Indian rights, a sacred temple, at whose altar, thousands and thousands of pilgrims and votaries are still prepared to lay down and offer all they possess, dreaded by enemy, respected, revered, admired and loved by millions of followers, the monster for the foes but kind angel for the friend is now sought to be cruelly immolated and annihilated, and in fact, is almost extinguished, in a moment of huff, by the very kind parental guiding hands that has reared up and made it the mighty thing that it is. That is the unkindest cut of all."

It is a strange irony of fate that this man who pleaded for restoring the integrity of the Congress with burning eloquence is accused by Dr. Chandulal of breach of discipline.

What exactly gave offence to Sardar Vallabhbhai and his other hardened followers were words like these:—

"That brings us to the fundamental inherent weakness—a serious defect in Gandhian Mahatmic politics that has been a great handicap to the political progress and has been the main cause of some apparent failures of some of his splendid undertakings and marvellous ventures; an attitude that often perplexes his colleagues, and bewilders his opponents. The blending of traditional, religious, psychic, spiritual ideas with modern Western materialistic politics, is a disastrous misfit and must inevitably lead to inextricable mess and even tragic bungling."

A man who utters such blasphemy against Mahatma Gandhi, who can do no wrong is of course unfit to be the Prime Minister of a province ? ? ?

Mr. Nariman first published his book "Whither Congress" in November 1933; and his second book "What Next" in October 1934; his idea was that before the session of the Indian National Congress was held, Congressmen should have ample time to discuss his ideas and arrive at a correct decision in the February Session. He be-

lieved that as a Congressman, it was both his right and duty to place these ideas before the country which were agitating the minds of the younger generation.

He takes a review of the entire political situation beginning with the first civil disobedience and comes to the conclusion that whereas the first civil disobedience ended in a victory for the Congress in so far as certain conditions put forth before the then Viceroy by Mahatma Gandhi and Pandit Motilal Nehru were accepted as the basis of the Gandhi-Irwin Truce, the second civil disobedience ended in a disastrous failure for the Congress, because firstly the country was not prepared for it, secondly it was started on the technical plea that the Viceroy refused to grant an interview to Mahatma Gandhi—an interview which should never have been asked for, and thirdly the Government taking advantage of the sense of false security engendered in the Congress circles, by the initial victory, had fully and adequately equipped itself to suppress the entire Congress movement. Mr. Nariman bitterly resented the idea that Gandhiji should have sought for an interview with the Viceroy when the whole country was plunged in the struggle for freedom and said that if the interview were granted, he would have asked the Congressmen to picket the Viceregal lodge and prevent this leader from entering its portals. He says that nation-wide political movements have never been successfully organised on the basis of semi-religious, mystical principles which bear no relevance to practical politics. His attitude is not anti-religious. He does not seek to destroy religion but suggests that problems of politics should be determined and solved in the light of practical realism; religious or mystical idealism has no place in politics, as he avers; and it is because he boldly asserts



that Gandhiji has mixed up politics with spiritual idealism, the movement has suffered. The major portion of his second book is devoted to several striking historical illustrations from the history of the nationalist struggle of countries like Egypt, Ireland, Turkey and United States of America. These pages deserve a careful perusal by every earnest and sincere nationalist.

Lastly he makes an equally earnest appeal to organise the mass movement on the basis of the economic grievances of the working class and the peasantry. Being an uncompromising anti-imperialist, he realised that no movement for national freedom could succeed, unless it had powerful backing of the masses of the country; it must not, therefore be supposed that Mr. Nariman is a Socialist and wants the country to adopt a socialist programme. On the contrary he criticises the economic programme of Pandit Jawahar whom he calls the non-violent "Michael Collins" of India and requests him "to hasten slowly". Mr. Nariman's own position judging from these two books could be described as that of a revolutionary nationalist. Throughout the pages of these two volumes there breathes the spirit of an uncompromising anti-imperialist. He will never surrender to foreign domination; if he is in a weak position he will call off the fight and silently and quietly prepare for the next stage when he will be ready to strike a decisive blow. That is the lesson he has learnt from the deep and extensive study of history and that is the lesson he has taught to his fellow countrymen through his hastily published books.

His books were very well received by the general public; there were a number of appreciative reviews in several papers in Bombay and elsewhere; perhaps it is not an exaggeration to say that the books indirectly led

to the founding of the Congress Socialist Party and because the problems dealt with in his books also agitated the minds of the younger Congressmen, who felt the need for a new political orientation and a fresh programme; Mr. Nariman would perhaps not go so far as the Congress Socialists, but the impulse that led him to write the books was identical with the impulse that led the Congress Socialists to form a new party.

His love and reverence for Mahatma Gandhi is unbounded but his love of truth is greater and it is that love which impelled him to write the books. His mode of criticism could be judged from the following:—

“Mahatmaji has often declared that he will rather do without Swaraj than give up his particular spiritual methods. In other words we are all supposed to be converted into little “hermits” searching for “truth”, ‘Ahimsa’ and ‘Divine Light.’ That is to be our main mission, principal object, even if that spiritual pursuit means sacrificing our political goal. Even Mahatmaji has protested against such a declaration. I believe I am voicing the almost unanimous opinions and sentiments of the whole political India, when I challenge this position and unequivocally declare that not one in the millions will be found to agree with that Mahatmic view. Greatly believing in his political leadership as we have always done, we will try to retain it at great cost and tremendous sacrifice and for that purpose, we may give up many things that we value and desire. But if ultimately the choice comes between Mahatmaji and ‘Swaraj’, India will have to prefer, regretfully and painfully—but at the same time most definitely and unquestionably, the latter”

These words were written more than three years back; much water has flown under the bridge since then. The Congress gave up its futile negative tactics of individual civil disobedience and took to the parliamentary road. The formation of the All India Parliamentary Board endowed with the blessings of Mahatma Gandhi indicated a definite

change in the policy of the Congress. In this way, much of Mr. Nariman's criticism has borne fruit, but the tragedy of the situation is that while Nariman's ideas have been accepted by the Congress, the Congress High Command deliberately passed a vote of censure against Mr. Nariman and disqualified him for any positions of trust and responsibility; he has been for practical purposes reduced to the position of a rank and file Congressman for no other fault than this that he thinks out problems for himself and possesses the courage of his conviction. If to his many other qualities he had added the doubtful virtue of being submissive and obedient to the dictates of the Mahatma, it is possible that he would have been the first Premier of Bombay. But we have reasons to believe that Mr. Nariman has a great future before him. Looking back upon the Ministers' activities in Bombay, one feels that they have not yet been able to redeem the pledges given to the electorate at the time of the General Election. The programme that Gandhiji has chalked out for them is sure, sooner or later to bring the Congress Ministry into disrepute. Mr. Nariman should thank his stars that he has been spared this calamity. When the public discontent will become acute and the people will rise in protest against our 'popular' ministers, it is men like Mr. Nariman who will save the great name of the Congress and restore it to its pristine glory.

## CHAPTER X.

### A SURVEY OF BOMBAY CITIZENS' COMMITTEE'S ACTIVITIES.

On the 8th of August 1937, the Shahu Tilak Party inaugurated the Nariman campaign by calling a meeting of the citizens of Bombay at the Sardar High School. The meeting was presided over by Mr. A. H. Gadre. On the 9th of August a huge procession was taken from the Nirbhid Office, Girgaum to Azad Maidan, to demonstrate Bombay's resentment at the injustice done to Mr. Nariman. On the 12th August under the auspices of the Shahu Tilak Party a public meeting was held at the Brahman Sabha Hall, Girgaum. Mr. L. R. Tairsee presided and "Justice to Nariman Committee" was formed. On the 12th August, Mr. A. H. Gadre commenced his seven day's fast to protest against the treatment meted out to Mr. Nariman. On the 28th August 'Justice to Nariman' Committee was transformed into the Bombay Citizens' Committee with Dr. G. Y. Chitnis as President and Messrs. A. H. Gadre and R. S. Nimbkar as Secretaries. On the 30th August, the Bombay Citizens' Committee submitted the following memorandum to Mahatma Gandhi:—

Dear Mahatmaji,

During the last 5 months a very strong agitation has been carried on in Bombay with a view to securing justice to Mr. K. F. Nariman; in the beginning this agitation took the form of press propaganda. A number of English, Gujarati and Marathi journals including Sentinel, Chronicle, Samachar, Sanj Vartan, Jame Jamshed, Hindustan Prajmitra, Kaiser-i-Hind, Nirbhed and several others. A memorial was submitted to the Congress Working Committee, signed by 22,000 citizens of Bombay in this connection. There was a general feeling in the air that in the matter of electing the leader of the Bombay Provincial Congress Legislative Party, there has been a miscarriage of

justice, and the decision that was arrived at, at the meeting of the Congress Legislators was a result of an undue, undemocratic pressure that was brought to bear on Congress Legislators from the top Congressmen, more particularly from Sardar Vallabhbhai Patel. This feeling has gained ground in the city of Bombay and elsewhere and has given rise to a number of protests in various directions.

In order to give a concrete and organised expression to these protests, a Citizens' Committee was recently formed in Bombay and this letter is addressed to you by the Joint Secretaries of that Committee. Our committee seeks to secure full justice to Mr. Nariman and remove the most glaring instance of autocracy within our memory. The committee also seeks to utilize this opportunity for democratising the entire Congress structure in such a way that a repetition of Nariman—episode may be avoided in future. The citizens of Bombay have all along agitated for an Independent Inquiry to be set up to investigate the causes that led to the present unfortunate affair. But it is as well that you should come forward to conduct this inquiry on your own individual responsibility and it is the earnest hope of our committee that full justice will be done to Vir Nariman and a great wrong done to the most popular figure in Bombay righted. We venture to address this letter to you with a view to helping you to the best of our ability to decide the case impartially.

First of all, let us consider the issues involved in this affair. When the Nariman controversy was started, there was a sort of whispering campaign against Nariman. A few persons here and there began to talk of charges of indiscipline against Nariman and ultimately it was reported in the Press that if Mr. Nariman was brushed aside from the leadership of the Congress Legislative Party, it was simply because of certain things he was supposed to have done in 1934 to impair the prestige of the Congress and break its discipline. We do not know how far the alleged charges against Nariman are correct; but we don't see how it affects the leadership of the party. If Mr. Nariman is to be penalized to the extent of disqualifying him from the leadership of the party and also for inclusion in the Ministry, because of what he is alleged to have done in 1934, then many of the Congressmen who are sitting on the Provincial Treasury benches will have to resign their seats.

But, the most vital point that we wish to impress upon you this: Supposing that Sardar Vallabhbhai Patel had serious

charges against Nariman, why did he keep quiet so long? When Mr. Nariman offered his candidature for election to the Legislative Assembly, Sardar Vallabhbhai as President of the Congress Parliamentary Board could certainly have raised objections and disqualified Mr. Nariman. Why did the Sardar not do this? Why did he keep quiet? Was he afraid of the Bombay Electorate or did he not have enough faith in the soundness of electors' judgment? And, if he kept quiet then, what right had he to interfere later on, after the Maharashtrian Congress Legislators had already chosen Mr. Nariman as the Leader? Do you think that the democratic working of the Congress Machinery allow for such high-handed, illegitimate and uncalled for interference on the part of the high Authorities of the Congress? And, if the Congress behaves so autocratically when it has not secured the least vestige of political power, what will happen when India is free and the Congress becomes the de facto Government?

In the midst of weltering doubts and suspicions, democracy in the Congress is the only load-star to which we can cling and if this democracy is to be sacrificed by those in authority on every conceivable occasion, how can the Congress which is the premier Anti-Imperialistic organization in the country hope to secure the support of all the right-minded democratic nationalists?

We are, therefore, pleading Mr. Nariman's cause not only because his future is at stake but chiefly because the Congress Democracy is at stake. And in rendering justice to Mr. Nariman you will once more be declaring to the world that democracy in the Congress is not a sham but a living reality.

If you think that a deputation on behalf of our committee will in any way be helpful to you, we shall be pleased to send one to wait on you at a time and place most convenient to yourself.

Thereafter the Bombay Citizens' Committee issued several statements to the press and arranged mass meetings on Chowpatty sands. The Committee received a reply to its second reminder from Mahatma Gandhi, who agreed to receive a Committee's deputation at Shegaon on 30th September 1937 at 3 o'clock. Accordingly the deputation

tation consisting of Dr. G. Y. Chitnis, Mr. R. S. Nimbkar and Mr. Gadre left Bombay on the 29th September and interviewed Gandhiji at Shegaon the next day. Mahatma Gandhi told the deputation that he was a born democrat and if the Sardar had become a fascist he should be driven out of the Congress. Moreover, he made it clear to the deputation that the 1934 incident which loomed so large in Nariman—Patel Controversy would not be allowed to prejudice the question of the election of the leadership in the Congress Legislative Party. The deputation left for Bombay the same evening.

When Mr. Nariman's apology was published in the press a strong protest was made by the Committee which requested Mahatma Gandhi to publish the judgment and let the public judge for themselves. The judgment was soon published along with the Working Committee's vote of censure against Mr. Nariman. The Citizens' Committee published a very strong criticism of the judgment exposing its one sided and partial character.

When Pandit Jawaharlal came to Bombay to attend a meeting of the Working Committee, the Bombay Citizens' Committee organised a monster meeting on the Chawpatty sands and a mass demonstration. The demonstrators who gathered in their thousands went to the residence of the President and strongly protested against the fresh injustice that was done to Mr. Nariman by the Working Committee. Pandit Jawaharlal agreed to receive a deputation of the Committee in that behalf and accordingly the Committee deputation consisting of Dr. Chitnis, Miss Nariman, Miss Mehta, Messrs. Ezekiel, Gadre, Panthaki and Appa Pendse interviewed him the next day and submitted the following memorandum:—

Dear Mr. President,

On behalf of the Congress voters who returned Mr. Nariman to the B.P.C.C. by an overwhelming majority of votes, we, the members of the Bombay Citizens' Committee request you to see that the resolution passed by the Working Committee in Calcutta against Mr. Nariman declaring him unfit to occupy any position of trust and responsibility in the Congress organizations is rescinded. Our reasons for this request are the following:—

In the first place the enquiry undertaken by Mahatma Gandhi and Mr. Bahadurji regarding the Nariman-Patel controversy was more or less a friendly affair and it was not intended that the Working Committee was to take action upon it. Secondly, the Working Committee instead of coming to an independent judgment in the matter merely ratified the opinion of Mahatma Gandhi that Mr. Nariman is unfit to occupy any position of trust and responsibility. Thirdly, the resolution of the Working Committee has not yet been ratified by the A.I.C.C. and therefore we cannot say that the Working Committee's decision is acceptable to the majority of Congressmen in the country. Besides it is worthy of note that three members of the Working Committee who were themselves involved in the Nariman-Patel Controversy again sat in judgment upon him when they gave their assent to the resolution. We were not aware, dear President, that a party to a dispute can also act as a judge and pronounce judgment upon the dispute; but this is precisely what happened in the Calcutta Meeting of the Working Committee.

If the Working Committee which is not elected by the Congressmen but is nominated by the President and functions as his cabinet, then every important decision that the Working Committee takes must be submitted to the entire body of Congressmen through their own democratically elected organizations. The All India Congress Committee is the supreme democratically elected body in the Congress and unless the decision is ratified by that body we cannot take it as being acceptable to the entire Congress.

Apart from this consideration the resolution of the Working Committee was a direct vote of censure upon Mr. Nariman and as such involved a disciplinary action. But in the statement which you, as president, subsequently issued to the press you said that no disciplinary action was intended. But curiously enough unhealthy forces were at work in Bombay to get Mr.



Nariman to resign his presidentship of the B.P.C.C. as a direct result of that resolution. At the same time Mr. Nariman was free to contest elections to Congress organisations. Uptil now, the Nariman-Patel controversy was confined to the top-most layer of the Congress leadership in the sense that the rank and file Congressmen had no opportunity to express their opinion in one way or the other. But as soon as the four-anna members of the Congress were given that opportunity, thousands of Congressmen in the city of Bombay expressed their confidence in Mr. Nariman in unmistakable terms. No other candidate contesting the last B.P.C.C. elections secured as many votes as Mr. Nariman. What does this prove, Mr. President? You will retort, we know, that Bombay is not India. We agree but you have not yet tried the interesting,—and to the Working Committee instructive,—experiment of submitting Mr. Nariman's case to the judgment of the rank and file Congressmen in the rest of the country. The experiment was tried only in Bombay with the results which are already before you. Besides, we do not press upon you the cause of Mr. Nariman as an all-India leader. We merely wish that he should be reinstated in his former position as a leader of Bombay Congressmen.

We do not seek at this stage to enter into the details of the 1934 incident which has loomed so large in the judgment of Mahatma Gandhi and Mr. Bahadurji in spite of the assurance given to us by Mahatmajji himself when some of us met him in Shegaon. That his enquiry was solely concerned with the question if the election of the leader of the Bombay Congress Legislative Party was democratic or not. But is it not curious, Mr. President, that during the last 3 years after the 1934 incident Mr. Nariman had been occupying one after another positions of trust and responsibility in the Congress and not a word was said against him and it was nearly at the end of 1937 that Mr. Nariman was suddenly discovered to be unfit to occupy any position of trust and responsibility?

Be that as it may, we have to-day an additional and very powerful reason for pleading Mr. Nariman's cause because thousands of Congress voters in Bombay have expressed their confidence in him in spite of the Working Committee's resolution. We, therefore, request you once more either to get the Working Committee's undemocratic, hasty and ill-considered resolution rescinded or to get it ratified by the rank and file Congressmen. If the verdict of the rank and file goes against Mr. Nariman we

shall bow down to it simply because it will be a democratic verdict. No such claim can unfortunately be put forward on behalf of the unjust verdict that the Working Committee has passed against him. We hope that our appeal shall not fall on deaf ears.

Pandit Jawaharlal got out of the difficult situation by saying that within a few weeks he was going to vacate the presidential chair. The interview lasted for nearly an hour and a quarter but nothing definite came out of it.

When Mr. Subash Chandra Bose, the new President of the Indian National Congress came to Bombay, the Committee had sent a deputation to wait upon him. The deputation consisted of Mr. B. G. Horniman, Dr. G. Y. Chitnis, Mr. B. F. Bharucha, Mr. A. H. Gadre, Mr. R. S. Nimbkar, Miss Nariman, Miss Mehta, Mr. Ezkiel, Mr. Dhondi and Mr. Vasi. The deputation had a long discussion with the President; he appeared to be very sympathetic but said that there were many difficulties in the way of getting the Working Committee's resolution against Mr. Nariman rescinded. After a few days Mr. B. F. Bharucha on behalf of the Committee went to Calcutta to interview the President in the matter and submitted to him on the 28th March 1938, the following memorandum signed by Mr. B. G. Horniman, Dr. G. Y. Chitnis, Mr. B. F. Bharucha, and Mr. A. H. Gadre:—

Dear Sir,

We are now sending you an epitome of the interview that you were pleased to grant to our Deputation on the 1st of March 1938.

Our object has been to draw your pointed attention to:—

- (1) The unwarranted interference by Sardar Vallabhbhai Patel in the election of their Leader by the Congress members of the Assembly and Council in 1937.
- (2) How Mr. Nariman was shut out from his legitimate position of Leader by masterly manoeuvres.

- (3) How he was subsequently kept out from the Cabinet, the Speakership and the Presidentship by the Zone Dictator Sjt. Patel!
- (4) How Gandhiji and Bahadurji erred in the interpretation of Law regarding the withdrawal of the first nomination paper by Vir Nariman in the Assembly Election of 1934!
- (5) How in a moment of depression Vir Nariman signed the letter of apology, which was drafted by Gandhiji at Wardha, and presented by Sjt. Mahadev Desai to Vir Nariman at Bombay!
- (6) How Vir Nariman, on second thought, and away from the scene of rank injustice and persecution, recanted this letter, which evidently enraged the usually cool and serene Gandhiji!
- (7) How Gandhiji, in a rare moment of anger, denounced this attitude of Vir Nariman!
- (8) How the Working Committee, on the strength of Gandhiji's letter, and without giving Nariman a hearing, passed a condemnatory resolution, to the effect, that Vir Nariman was unfit to occupy any position of responsibility in the Congress!
- (9) And Sir, who were some of these Judges please? They were Patel, Patwardhan and Shankar Rao Deo!
- (10) Further, how a selfless worker, like Mrs. Perinben Captain, has been persecuted by Patil & Co.!
- (11) How the voting by Ballot has been recently altered into a show of hands by the same Co.!
- (12) And how citizens in general and minorities in particular in Bombay are fast losing faith in the Congress!

#### A VICIOUS CIRCLE.

Sir, the whole Nariman episode has been moving in a vicious circle, engineered by those who have silently and sedulously accused Nariman of betraying the Congress in 1934, when Mr. Munshi was defeated and Sir Cawasji Jehangir and Dr. Deshmukh were elected.

(13) We now repeat the challenge made by one of us (Sjt. B. F. Bharucha) in the open press, that if any of Vir Nariman's detractors could clearly prove:—

- (a) That Vir Nariman directly or indirectly helped Sir Cawasji Jehangir in 1934 Assembly Election!
- (b) Or that Vir Nariman received any consideration from Sir Cawasji Jehangir.
- (c) Or that Nariman worked against the Congress in 1934 Election.
- (d) Or that Nariman worked against Mr. Munshi and Dr. Deshmukh.
- (e) Or that Nariman flinched or failed to work for the Congress Candidates in that election.

Then Mr. B. F. Bharusha is still prepared to pay to Gandhiji's Harijan Fund, a sum of Rs. 500/- for every one of the aforesaid allegations, that can be conclusively proved against Vir Nariman.

**(14) PROOF OF VIR NARIMAN'S BONAFIDES IN 1934 ASSEMBLY ELECTION.**

Now Sir, soon after the 1934 election, Vir Nariman discovered some gross irregularities in some of Sir Cawasji Jehangir's voting papers. He at once saw Sardar Patel, Sjt. Rajagopalachariar, and Sjt. Bhulabhai Desai, and expressed his readiness to file a petition against Sir Cawasji Jehangir, so that his election may be declared null and void. Had Vir Nariman colluded with Sir Cawasji Jehangir, he would never have made this proposal. Nor would he have pressed for it. That is clear as day-light. Now what was the attitude of the above mentioned trio? They dissuaded Vir Nariman from filing the Petition! Why? Let the Trio explain. Can there be any better proof of Vir Nariman's bonafides in the 1934 Assembly Election?

- (15) BOMBAY'S TRUSTED LEADER OF TEN YEARS STANDING APPEARS UNTRUSTWORTHY: TO WHOM? TO Patel, Deo, Patwardhan and Deshpande!**

Now as you are aware:—

- (a) Vir Nariman was Bombay's Trusted Leader during the C.D. Movement of 1930-31.
- (b) He was the President of the B.P.C.C. for 7 years:

- (c) He was the Leader of the Congress Party in the Corporation.
- (d) He was the Leader of the Congress Party in the old Council.
- (e) After the 1934 Assembly Election, he was again elected President of the B.P.C.C.
- (f) He was elected Chairman of the Reception Committee of the Bombay Congress in 1934.
- (g) He was elected a member of the Working Committee after the 1934 Assembly Election, during Pandit Jawaharlal's absence in jail.
- (h) He was elected Mayor of Bombay in 1935.
- (i) He topped the polls during the Assembly Election in 1937.
- (j) He was deputed by Sardar Patel to proceed to the Central Provinces to settle the Election dispute of the place in November 1936.
- (k) Further, Vir Nariman was put in charge of the 1937 General Election Campaign in Bombay.
- (l) He was also a member of the All India Parliamentary Board with Sardar Patel as Chairman, and had acted during his absence.
- (m) So, right upto the time of the Election of the Leader of the Congressmen in Legislatures, Vir Nariman was recognised to be a fit, legible, and trustworthy Congressman, Leader, and Colleague, according to Sardar Patel's own attitude.
- (n) What toppled the Sardar's apple cart at the last moment, that he suddenly changed sides, and overthrew Nariman, and hounded him out of the cabinet, speakership and Presidentship in this unwarranted manner, passes one's comprehension.
- (o) Sir, Mr. Patil's and Mr. Chakranarayan's statements to Gandhiji will prove illuminating on the subject.
- (16) THE CITIZENS OF BOMBAY CALL UPON THE SARDAR TO PROVE NARIMAN'S BETRAYAL OF THE

CONGRESS, OR RIGHT THE GRAVE WRONG THAT HE HAS DONE TO VIR NARIMAN.

- (17) Gandhiji's and Bahadurji's findings based on an incorrect interpretation of Law should be reviewed, and Justice should be done to Vir Nariman.
- (18) That the Working Committee, having acted solely on Gandhiji's letter, and without giving a hearing to Vir Nariman, has condemned him most unjustly by its hasty and harsh resolution, which, in the light of foregoing facts, should be rescinded without delay.
- (19) That the growing Fascism in the B.P.C.C. must be stopped.
- (20) That Sjt. Bhulabhai Desai's whitewashing of Mr. Ishwardas Patel's (Sardar's nephew) quaint method of depositing Congress money in his own personal Bank account, and the similar indulgence shown to Mr. Lele have simply astounded the people of Bombay.
- (21) The obvious persecution of a selfless worker like Mrs. Perinbehn Captain must stop.
- (22) And the B.P.C.C.'s latest Resolution altering the system of voting by ballot into voting by show of hands be rescinded.

#### VOX POPULI.

Sir, what has been the people's answer to the Working Committee's Resolution? They elected Vir Nariman at the top of the Poll in the recent Delegates' election, and he obtained double the number of votes secured by Mr. Patil, who stood second. This is Vox Populi.

#### SOME SIGNIFICANT ASTOUNDING FACTS.

We beg to emphasize that in the whole Nariman episode, the most surprising and significant facts are:—

- (1) That in no other Province has the President of the B.P.C.C. and of the Congress Party in the Municipality and of the Provincial Council, been shut out from Premiership, Ministership, Speakership, or Presidentship of the Provincial legislature, as Vir Nariman has been kept out?

- (2) Nor has the Zone Dictator of the Provinces interfered with the election of the Leader or in Premiership,—Cabinet making etc., in any other Province, as Sardar Vallabhbhai has done in Bombay!
- (3) Nor has any of Sardar's colleagues on the Parliamentary Board been mixed up in such Provincial affairs in this fashion!
- (4) The most notorious fact is that, whereas the Congress Constitution demands voting by Ballot at all elections, this excellent and independent method was absolutely dispensed with in the election of Leader of the Congress Legislatures of Bombay in 1937! It was no open election. It was nomination wholly engineered and obviously manoeuvred by Sardar Patel and his Lieutenants.

Verily, Sardar Vallabhbhai has acted most ruthlessly in Vir Nariman episode, regardless of all adverse effects of his actions on the Congressmen in general and minorities in particular.

IN FINE.

We request you most earnestly to place our case before the Working Committee, and to do your best:—

- (1) To arrange for an early revision of Gandhiji-Bahadurji findings against Vir Nariman.
- (2) To urge the Working Committee to rescind the Resolution against Vir Nariman, as early as possible.
- (3) To check the growing Fascism in the B.P.C.C. and thus restore the confidence of the Minorities in the Congress, which has been rudely shaken by gross injustice done to Vir Nariman, Perinbehn, etc.
- (4) A timely redress of these grievances will check further bitterness, avoid schism, and strengthen the Congress position in Bombay.

From the above summary of the activities of the Bombay Citizens' Committee it will be seen that since its inception the Committee has been indefatigably working to secure justice to Mr. Nariman. One of the funda-

mental objects of the Committee was to agitate for full and complete democracy in the Congress. It took up Mr. Nariman's case as the most flagrant breach of the democratic traditions; and it has all along put forward the view that if the Congress high authorities are allowed to behave in a highhanded dictatorial manner as they have done in the case of Mr. Nariman, the Congress will soon cease to be the instrument of our anti-imperialist struggle and become a bureaucratic machine, therefore during the last several months the Committee has been striving to gather together all the democratic elements in the city with a view to purging the Congress of every vestige of autocracy and tyranny. The Committee does not expect to "create any change of heart" in the Congress High Command to right the wrong done to Mr. Nariman; it relies mainly upon organising the rank and file Congressmen and bringing thus pressure to bear upon the Congress authorities in such a way that it will be impossible for them to ignore any longer the voice of the people—refuse to reinstate Mr. Nariman in the position which he ought legitimately to occupy.



## CHAPTER XI.

### CONCLUSION.

Seven months have passed since the passing of the Working Committee resolution condemning Mr. Nariman. Many things have happened since to show that the public confidence has not shaken in their beloved leader inspite of this resolution. The public to a person are convinced that the Sardar has been the root cause of Nariman's fall. We have seen that the Sardar had started his campaign against Nariman some days before the election of the leader; and since then all throughout he played his part, in the controversy, till at last he was able to get him out of active Congress politics. That the Sardar was successful in butchering innocence, and strangling justice by ruining a great political career of the outstanding Bombay leader is due to the fact that Sardar Vallabhbhai enjoys absolute and unfettered powers in the Congress, as it is constituted to-day. But how long will he continue to do so, is a problem. Let him sow winds now to reap whirlwinds hereafter. How long will he live in the reflected glory of the Mahatma?

While one tries to find out the real cause of friction between Mr. Nariman and the Sardar, one finds himself involved in a fruitless task. Reading 'Othello' we are at a loss to find out why Iago plays the villain, even though we know that Desdemona and Othello were righteous to a fault. If we search for the motive we conclude that Iago's was a "motiveless malignity". Does this phrase correctly describe the Sardar's conduct? Nariman had not gone down in the estimation of the Sardar after the 1934 election, for he had been entrusted with some of the most delicate and confidential task of the Congress by the Sardar.

Where then can we find the motive of the Sardar? Was Nariman's overgrowing popularity a beam in the Sardar's eyes? The writer is reminded of the two lines that may help to solve the mystery of Nariman's fall :

"Some rise by vice  
Some by virtue fall".

Congress politics is full of shocks, and Gandhiji has to play the role of a shock-absorber. As such he took upon himself the responsibility of both a judge and a prosecutor rolled in one to decide the issue. But the shock proved too great for him. So he shared it with Mr. Bahadurji who managed to arrive at a conclusion similar to the one arrived at 'independently' by the Mahatma. It was a case of two minds agreeing to think alike.

Then follows the novel way—unknown to any judiciary—of condemning the supposed culprit, but withholding the findings from the public. It was not the judges who pronounced the sentence on Nariman, but the 'guilty' party himself. Inscrutable are ways of 'Parmatma' but still more inscrutable are the ways of our Mahatma.

Nariman spoiled the Mahatmic plans by his recantation; and the Mahatma in return gave him a bad name and handed him over to the blood-thirsty Sardarites to be hanged, and verily the Working Committee crucified him, inflicting wounds from behind and in the dark.

The stabbing episode has its own lessons. One need not be reminded of Gandhiji's Himalayan blunders—the blunders that have caused the lives, honour and fortune of a countless number of his countrymen, but the public generously forgave him. Had he not also in the past forgiven his colleagues who were found out to have committed crimes such as rape, fraud, and misappropriation of Con-

gress Tilak Swaraj fund not by thousands but by lakhs?. Could he not have in the same spirit forgiven Nariman if he thought him to be guilty of the supposed crime that was not even a thousandth part in comparison to the gravity of his own blunders, and the others' guilts.

Gandhiji handed a loaded revolver to the Working Committee. The Working Committee just obeyed the orders of their commander at the word 'shoot'. This pulling of the trigger was devoid of any grace. They shot at the culprit in the back.

Mr. Nariman demanded an appeal against the judgment of the tribunal. He is denied that privilege enjoyed by the worst of criminals under the 'satanic Government'. "Coming events cast their shadows beforehand." And this is the earnest of what is in store for us under 'Ram Raj'. Mr. Bhulabhai Desai was the first to come out with the poser that Mr. Nariman's demand for an appeal was inconsistent "with a code of honour". For reasons best known to him, Mr. Desai has not upto now explained what that phrase connotes. Some one has said that the Britishers can do anything so long as they can invent a phrase or a formula to cover their designs. Was Mr. Desai's phrase invented for a purpose different from the Britishers?

At all events, let us thank Mr. Desai for expounding a doctrine beneficial to the people of all times and climes. For most solemnly has he declared on the floor of the Legislative Assembly, "No man can surrender his judgment to another man or tribunal, however eminent". Let us ask Mr. Desai whether Mr. Nariman should surrender his judgment to the mercy of that eminent tribunal? Or will Mr. Desai try to find out an exception to cover Nariman's case? Is it permissible, under Mr. Desai's code of justice to say that "another judgment is not possible?" We need

not pause for his answer beyond repeating what he himself has said, "a lie in the soul will merit its own punishment."

Nariman bullied from above, laid down the reins of the B.P.C.C. The same Mr. Bhulabhai has stepped into the large shoes of Nariman and stitched them fast to his tiny heels; but this time breaking his code of honour. He conveniently forgot to make a passing reference even to the distinguished services of his great predecessor while usurping his chair. Mr. Bhulabhai is now busy building his political career on the misfortunes of Mr. Nariman.

Nariman gets another judgment from a distinguished Bombay Advocate. This judgment puts the parties in an awkward position. But there can be no judge above Gandhiji. All must agree with what the Sir Oracle of the Congress says. Those who disagree tread on dangerous grounds. It was Voltaire who said "I disagree absolutely with what you say, but I will defend to the death your right to say it." But, alas! Voltaire is simply unknown to the 'fascists' all the world over.

Events have in the meanwhile shown that Nariman's popularity has not suffered in the least after the resolution of the Working Committee. Tribunal or no tribunal, appeal or no appeal, Nariman had to face sooner or later the highest tribunal of democracy 'the tribunal of the ballot box.' Sunday the 19th December was the day when Bombay had to send its delegates to the Haripura Congress. Nariman stood as the people's candidate, giving his voters an opportunity either to confirm that sentence passed by that august body—the Working Committee—or to set it aside without fear or favour. To save the prestige of this august body, the intriguers left no stone unturned to see that Nariman in accordance with the resolution of the

Working Committee was not fit to hold any Congress post of "trust" or responsibility and behold! Nariman is not only elected to B.P.C.C. but he captures the highest number of votes and even more than double of the candidate elected next to him.

Here then stands a man unceremoniously asked by the "Fascist Grand Council of India" to quit the institution which is dearer to him than life itself, and the very same man is ordered by his real masters—the voters of Bombay—not to quit but to carry on. In the conflict of these two opposite verdicts which should prevail? Who should bow down and to whom? Surely the Congress High Command cannot claim itself to be above and independent of the unfettered and free will of the voters from whom the great organisation derives its strength and reputation. It follows, therefore, that the High Command should either respect the verdict of the sacred ballot box or ignore it *in toto* through a mistaken sense of prestige. The question, however, is not one of prestige but of principle. If they are wise, they should take a leaf out of the French History. When France had to make a choice between the honour and innocence of an humble soldier and the prestige of the mighty French army, France sided with the innocent soldier, wisely and justly. Captain Dreyfus was accused of betraying military secrets, convicted and sent to the Devils' Island, but when found not guilty, he was duly exonerated and restored to his rank. Will India produce an Emile Zola to save Nariman, a valiant and true soldier on the battlefield of freedom, from this meanest and cruellest of political persecution? Has our Congress fallen to such evil days as to remain behind France of 19th century? Is not Lord Acton's dictum: "Power corrupts, and absolute power corrupts absolutely" correct in the case of the Congress High Command?

# *The Voice of the People*

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IT IS BEYOND THE SCOPE OF THIS BOOK TO INCLUDE ALL THAT HAS APPEARED IN THE PRESS FROM TIME TO TIME REGARDING THIS CONTROVERSY; THOUGH WE HAVE NO DOUBTS THAT THEY WOULD MAKE A VERY INTERESTING STUDY. WE HAVE ONLY SELECTED SOME OF THE IMPORTANT ARTICLES THROWING LIGHT ON THE DIFFERENT PHASES OF THE CONTROVERSY IN THIS SECTION AND CLASSIFIED THEM UNDER DIFFERENT HEADINGS.

## *The Election of the Leader.*

OPEN LETTER TO CONGRESS M.L.A.'s.

From J. A. Kamat.

The unanimous (?) election of Mr. Kher to the leadership of the Congress Party in the Legislative Assembly has been considered unanimously as a unique exhibition of political shortsightedness on the part of you all.

Your first move in electing in the most undemocratic way your leader, has enabled the Bombay public to fathom your competence to guard the interest of the Presidency from being wrecked on the rocks and shoals of the coming Constitution. It is reported that you have been all guilty of a political crime of a nature unknown to any country. Will you, therefore, reply to the following questions and thereby enlighten the electorate on matters of public interest:—

(1) Did you elect Mr. Kher to the leadership of the party of your free choice?

(2) Was Mr. Kher elected by record of your individual votes?

(3) Is it true that to the last minute you were kept in entire darkness about the leader you were to vote for?

(4) Is it true that the decision as regards thrusting the leadership of the Congress Party in the Assembly and the consequent premiership on Mr. Kher was arrived at without your knowledge?

(5) Did you suffer from loss of independent judgment or feel diffident about your own power of discrimination, when you entrusted Mr. Deshpande, Mr. Deo and the lion of Gujarat who also fathers the leaderless M.L.A.'s elected on the Congress ticket in Bombay and suburbs with the task of finding out a leader for you?

(6) Is it in accordance with your spirit of democracy to offer this way a blank cheque to your leaders(?) to act against your very wishes?

(7) Was the procedure adopted in the election of Mr. Kher a valid one? if not, why did you withhold yourself behind a false veil of discipline from protesting against the most undemocratic of elections?

(8) Will you come out to save your face with a clean expression of your desires and decisions in this matter and declare your choice openly?

(9) Is it true that the Karnatak M.L.A.'s and M.L.C.'s had sold their conscience to the tiger of Karnatak trusting in his sanity?

(10) Was Mr. Vallabhbhai appointed by the A.I.C.C. to help you as is done in the case of children in electing your own leader?

(11) Is it constitutional of the Sardar to be present at the meeting and actively guide the proceedings?

**"HAMLET WITHOUT PRINCE OF DENMARK."**

**From: Vishwas Naik.**

"The omission of Sjt. Nariman from the Party Leadership is like "Hamlet without Prince of Denmark" and is also the greatest political blunder committed by the Bosses.

.....Every man in this premier city of Hindustan has felt this quakeshock and soon the volcano will erupt and the reputation of the Congress will be at stake.

Is Bombay willing to lose one of its greatest organiser, fighter and administrator? The High Command have felt the pulse of the city but refused to act. The voters in the city had some fundamental reason in voting for Nariman and thus bringing

him at the top. The Hindus, Muslims and Christians are with one voice, demanding "Vir Nariman" should be the Leader of the Party. Will the High Command listen? Or will they love unpopularity?

I, therefore, appeal to the citizens of Bombay to muster strong and to protest against this hasty (nasty) decision and to justify the right of the right man".

### LONG MAINTAINED FARCE EXPOSED.

From: Lakhmidas Rowjee Tairsee.

I see that the "entire Press has now turned on Vallabhbhai and that all sections of the public are enraged."

May I ask whether the "National Press" and all sections of the public did not support Vallabhbhai all throughout for the last few years, when he acted in the same dictatorial Fascist way as he has done now?

When some one opposed the tactics of Vallabhbhai, the "National Press" howled at such a person and called him anti-Congress and a traitor to the country.

This farce was kept up long long till the Sardar of Gujarat has turned the Sardar of Bombay.

Democracy and Sardarship cannot go together and I am more glad than I can express that Vallabhbhai has now bitten off more than he can chew.

There is a French proverb which says: "He who tries to hold more than his hands can hold, holds it lightly" and I am glad and have great pleasure that the public of Bombay has now seen Vallabhbhai in his true colours. I should like to present Vallabhbhai with a bouquet.

If Bombay puts up with Johukmi any further, it deserves to better treatment than Vallabhbhai has given to it.

### WHAT WERE M.L.A.'s DOING?

From: Sorab B. D. Banaji, Bar-at-Law.

Remember Idis march! 13th March in the Roman Calendar reminds the world how mighty Caesar was stabbed on mere suspicion of treachery towards Roman Republic.

There is no suspicion about the treachery perpetrated in ousting Nariman from his legitimate place in the Assembly. Every one in Bombay knows about it, speaks about it and condemns it.



A clique of few traitors that have brought Congress into such disreputation, a clique of few traitors—that have dug the very foundation of minorities trust in Congress, deserves the same punishment that traitors generally receive at the hands of their countrymen.

The only question that solemnly arises is, what were those sixty-five or seventy dummy "bamboo" representatives of Bombay Presidency duly elected by the people and who were looked upon as the guardians and custodians of public right and safety doing at the time of electing their chief leader? Were they alive or dead?

No wonder the minority communities have completely lost confidence in Gujarat leader of the type of Vallabhbhai.

#### WILL SARDAR ANSWER?

From: D. S. Gaitonde.

.....No nation has achieved its goal where its leaders are unjust in their character and are out to gain their own ends, resorting to mean and unscrupulous acts.

I challenge that the new Legislature shall never be free from such Sardars, Munshis and Patils who are out to gain their own ends in the name of the Congress.

#### SARDAR FORGETS PROMISE.

From: A Nationalist Muslim.

The incident about the leadership of the Congress Party in the Assembly concerns more to the Muslims than any other community.

The fear that gripped the minority communities after the Nariman incident is lessened to a great degree by the attitude shown by the Nationalist press and public in general.

One great consolation is that those who were assuming the role of leaders upto now are ungarbed as self-seekers having communalist tendency.

Sir, I remember in the C.D. movement days while addressing a meeting Vallabhbhai assured the minority communities that after winning Swaraj they will be given a blank cheque. Now the eyes of the people are opened. The public is sane enough to understand that if people like Vallabhbhai remain to exist in the Congress till India gets Swaraj what the blank cheque is

going to be like. Earlier such men are out of the Congress the better for the country.....

### HATS OFF TO INDIA'S HITLER.

From: J. Venkitarama Iyer.

I take my hat off to the Gujerat Hitler! Bravo! Well done, Patidar.

Certainly Herr Hitler could not have been aware of his contemporary in India when he uttered that Indians were taught to walk by the British.

He ought to have known that India could run faster than any German.

Once more. Bravo! The next step is only a drive against Tatyas and Madrasis, so that Bombay can be made safe for the Gujerat Patidars. Ideal places only are to be found for setting up segregation camps. Don't worry. Patidar is capable of outshining Hitler or Mussolini!

### SARDAR LED ANTI-NARIMAN INTRIGUE.

From: Varela-Rodrigues.

The scandalous victimisation of a man of the eminence of Nariman has precipitated a crisis which did not fail to evoke a country-wide indignation at the shabby treatment meted out to this gallant warrior by Sardar Vallabhbhai Patel despite his past services to the country.

His claims to lead the Congress party in the Assembly have been despotically set aside at the instigation of a coterie of intriguers and plotters led by the President of the All-India Parliamentary Board.

This act of despotism inspired as it is by no other consideration than that of communal prejudices is bound to shake the confidence which the minority community like the Christian community was beginning to repose in the uprightness and impartiality of those guiding the destinies of the Congress.

In Bombay at least Christians hold this view and there is no doubt that even in other provinces they hold similar view on this miserable issue.

Is it by such questionable methods that those in power hope to win the sympathy and confidence of minority communities to-day?

With the greatest possible earnestness at our command we appeal to the President of the Congress to prevent Nariman from falling a victim to such rank injustice and unbridled communal fanaticism at the hands of the Congress dictator.

### CITIZENS LETTER TO SARDAR.

Several citizens of Bombay have combined in addressing the following letter to Sardar Vallabhbhai:—

Perhaps you are aware that some alleged 'conspiracy' is raging inside the B.P.C.C. especially among those who constitute that body.

This controversy has been brought to the notice of the public by a local journal on the most unimpeachable authority more than once.

Indeed it is extremely deplorable that such a state of affairs should have found a place inside a Provincial branch of that great Political organisation—the Indian National Congress—especially at this critical time when commonsense unity of purpose, common understanding and a "give and take" policy is most required for a strong united front against British Imperialism which the Congress professes to achieve and it is all the more poignant when it is learnt that you are taking a leading part in this 'conspiracy' to oust Nariman the trusted and tried leader of the nation and an idol of the youth of this presidency—nay—the whole of India.

Though the public has been given to understand that there is nothing serious inside the B.P.C.C. by Nariman himself it is neither convincing nor correct 'as to the Real State of Affairs.

It seems the B.P.C.C. is imitating the Bengal P.C.C. where you should know similar troubles arose and continued for a long time which truly reflected in the recent elections.

If you are out to perpetrate a similar happening here, please inform the public of it beforehand so that, it may choose its leader and decide its future policy. We repeat that it is extremely regrettable that such things should be happening inside the B.P.C.C. and that you should find a place in this controversy. This is likely to lower the prestige of the Congress in this presidency.

In conclusion, we now ask you to make a public statement as to the Real State of Affairs inside the B.P.C.C. and as to

where you and Nariman stand in regard to this alleged "Conspiracy".

We fully trust and believe that you would not shirk your responsibility in his urgent and important public duty and would do your best to enlighten us (public) in this matter as a statesman and a true leader as you have always been.

#### EXPECTED HAS HAPPENED.

From: Atmaram Luxman, M.A., LL.B., Nansy Mehraj, Jagjiwan Ujamsing, Dattatriya Narayan, Pleader, Bapu Narayan, B. E. Harischandra Bhojju, B.A., Gopal Narayan, M.Sc., Hargovind Dayal, Mohanchand Karamsi, Shanker Dalvi, Narayan Dhanaji, and Bulabhai Mehta, Bar.-at-Law.

The decision to elect Mr. E. G. Kher, as the leader of the opposition has taken the whole city by surprise, and with one voice we the undersigned declare, with disgust towards the very mean attitude of Sardar Vallabhbhai for whom we had high opinion till such time when he came out in his full colours.

We though Hindus, openly and sincerely declare that this dictator should have no voice in Bombay politics, if his politics mean intrigue, animosity and jealousy to see no one rise. We, as Hindus, are ashamed of him.

Nariman was the only hero who deserved the post which was thrust on Mr. Kher. We all have nothing to say against him, he is sincere, honest, but can bear no comparison to the lion of Bombay, Veer Nariman. He has to wait long to take Nariman's place. Will he refuse to take this post? If he does, will make the hearts of Bombay citizens overflow with joy.

On the 14th instant one of us met a Parsi gentleman, whose name we cannot give out without his permission, and who is a leading pleader. When asked what he thought about the injustice to Mr. Nariman, he said, "I am not the least surprised. The expected has happened and Nariman will open his eyes, and see things in proper ways. What can one expect from Vallabhbhai? And he is supposed to be the right hand of Mahatma!" If this so-called Sardar remains thus after his association for years with the most sincere and pure man like Mahatma, then what choice has he to improve?

#### LAST NAIL DRIVEN IN DICTATORSHIP.

An Open Letter to Sardar Vallabhbhai from E. A. Anklesaria  
Dear Sardar,

The last but the most reprehensive action of ousting Mr. Nariman from the Chief Ministership for the Bombay Legislative

Council under the new constitution to come into force from 1st April 1937, has perhaps been the last nail struck in the coffin of your dictatorship as the President of the Congress Parliamentary Board, now buried at Delhi. Your last act can in no way be compared with those of dictators like Mussolini and/or Hitler.

In fact, it has outdone both Fascism and communism, and with it your dictatorship—even leadership of this unfortunate country in its great fight for independence, of which you were hitherto the 'Prima Donna'—would cease to remain as such for perhaps years to come, or would be entirely wiped out.

Let me open my heart to you today, and remind you of the talk we had for about two hours in the presence of a few ladies and gentlemen at Ahmedabad about 2½ years ago, just at the eve of the Assembly Election, when my namesake was contesting a seat with Mr. Bhulabhai Desai from the Gujarat constituency. You rightly protested then,—I should admit that as a Parsi—for which community the Congress had always great regard—he should not have done so, in the interest of the country and against a great and acknowledged leader put up by the Congress. I then really looked very little before you for he was a Parsi and my namesake as well.

With regard to the fears of my community then apprehended and given vent to, through the columns of Parsi papers, stating that it would be wiped out before the majority communities—the Hindus and Moslems—you assured us—I had my cousin then returned from America—that it will not be.

The regard for the services rendered by the Grand Old Man of India—Dadabhoy Naoroji, that uncrowned King of India—Sir Pherozeshah Mehta, and that veteran grandfather of the Congress—Sir Dinsha Watcha to the Congress and the country, was always held in high esteem by the Congress since its infancy to its present middle age, could never be forgotten, in spite of certain acts and deeds of some loyalists and ultra loyalists, and that the Parsi community will have its due and legal share in the administration of the affairs of this country when it became independent.

Again, I wish to hammer out your memory when at a meeting held under the auspices of the Parsi Rajkiya Sabha, at the Cowasji Jehangir Hall at the heights of the Satyagraha or Non-co-operation Movement, you were invited by that tireless nationalist, Mr. Barjorji Bharucha, to address my community.

you clearly stated that the minor community like that of Parsis would never have to be afraid of other major communities, that their interests would be protected and that they would have lawful share in the management of the affairs of the country, when it was relieved of the shackles of foreign rule, but you pressed that at that juncture the co-operation of the community was indispensable.

Nay! You went a step further and added that you were going to leave the entire administration of the country on its political freedom in the hands of Perin Behn, Bharuchabhai and Veer Nariman.

Sardar Vallabhbhai! May I please very respectfully ask you today whether you really meant what you said then? and is your present deed to oust Nairman quite in consonant with your declared policy of that day? Or, were those sweet honeyed words simply uttered in a most irresponsible manner, just to please not less than 2,000 men and women assembled there and lull the Parsis for the purpose of inviting their support in fighting the Government for the benefit of your community only?

Sardar! You declared at the meeting of the election for the leadership of the council, that Bombay had no leader, but all the twelve elected members were the leaders, whereas Maharashtra, Karnatak and Gujarat each had one! Was it deliberate or through ignorance that you did not know that Mr. Nariman was the accredited, indefatigable leader of Bombay, holding the highest possible office in the Congress of this city as the head and President of the Bombay Provincial Congress Committee for several years, and the hero of the Back Bay Scandal, known all throughout India by Indians—nay, even by Europeans of India, and Englishmen of England too? Or, because he belonged to a minority community only, he did not count as such in your master-minded estimation, and quietly and selflessly (?) usurped his place in the meeting at the instance of that great author and advocate of the High Court—Mr. K. M. Munshi, and in spite of mild protest by the B. P. C. C. Secretary Mr. Patil, thereby representing 3 provinces (one for the sick leader) and ousting deliberately from a regular election, the idol of this town—Mr. Nariman?

Allow me to go one step further and ask you openly, Sardar, to name only one out of the present leaders from this Presidency, barring Mahatma Gandhi, who has made as great a sacrifice or service rendered to the Congress and the country as this

poor soldier has done! Did he not throw to the winds his lucrative practice from the Bombay Police Courts, as a leading advocate for several years, which aggregated to an income, of which a petty prince of India would have envied, and that too at a call from Mahatma Gandhi to serve at the altar of the Motherland.

Where was Mr. Munshi then that he too deliberately forgot that Bombay had one great leader, and thrust upon you Nariman's position to cut his throat?

The Moslems have been rightly looking upon you with an eye of suspicion and doubts, being in minority compared to Hindus and have practically divorced itself from the great national Institution—the Congress, to a great extent. By your this ungracious and autocratic act of Nazism, you have strengthened their fears not only, but you have given birth to doubts and fears in the minds of other minority communities as Christians, Jews, etc., and none would be surprised if sympathy and support of these communities in the great fight for freedom, which are so eagerly sought for by the Congress would be lost in 'toto.'

It is not yet too late to mend matters. Since you have done one unpardonable great wrong to a member of the minority community, it is for you to undo it without any loss of time. I am sure you have been reading papers, and you must have realized by now the degree of resentment against this deed of Fascism of yours, and giving vent to their feelings, by not only the people of this city or presidency, but even by the country—no matter of what community or sect they belong to—through the columns of journals; so act at once to do justice with due and proper apologies to the condemned—I can't find any other word to replace the last one—and let not Mr. Tairsee's opinion about you be automatically confirmed. Will you act, Sardar?

#### SARDAR DID INTERVENE.

From: Mohan Madan Nehru.

I welcome Pt. Nehru's statement regarding Nariman affair. After going through it, I was disappointed to find that it contained nothing beyond defence of Mr. Vallabhbhai Patel. Pt. Jawaharlal says, "I am sure most of the persons who took part in this agitation will repent it when they consider the facts coolly." I agree with our great patriot Jawaharlal to disagree

on this vital point. Hundreds others like myself are still unconvinced, specially after reading that wonderfully stupid statement of those wonderful three bug guns, Deo, Patwardhan and Deshpande. I pity them, they require our sympathy rather than hammering. Pt. Jawaharlal informs us that Vallabhbhai Patel preferred to be out of this in so far as he did not want a Gujarati to contest the leadership.

This shows that Vallabhbhai Patel did interfere with the free election. He had no right to pass such orders to Gujarati. Dear Pundit, do not think for a moment that Sardar Vallabhbhai is so soft hearted and straight, Sardar knew well that Gujarati had no chance whatever so making necessity a virtue, he gave a sort of a bait to Messrs. Deo, Patwardhan and Deshpande to allow a candidate of their choice, making conditional that Nariman in no case to be selected. This is not my opinion only but thousands think like this. If Sardar Vallabhbhai had the slightest chance of a Gujarati being successful he would have thrown these three overboard without the slightest hesitation.

Pt. Nehru you are a great patriot, your word will be a law to us, your sacrifices are noble and of the highest standard, this makes you think that those around you are also of the same high character, but you have also to learn more and more, as regards, deceipts, stratagems, and diplomacy of those around you. Even the greatest of the great Mahatma Gandhi had to learn this in days gone by.

Even he had to learn that all is not gold that glitters, and how his so-called lieutenants who were his right and left hands let him in the eye.

Pt. Jawaharlal writes that people have given this agitation the communal turn, which is very deplorable. It was no doubt very deplorable, but how can this be avoided? I am told and I also read in "Bombay Samachar" that in Karachi the same injustice of the highest order has been perpetrated by appointing one Ghyansham Jethanand, an absolute unknown man in place of Mr. Rustom Sidhwa, a man of high character, a tried honest Congress worker who had given away all for the cause of the country and Congress, went to jail for years together though he has a family of 6 to 7 children to support, and who for the cause of Congress has received kicks and unjust treatments by Government officials. He is loved and admired by all irrespective of caste and creed.



May I ask Pt. Jawaharlal, why and what for such cruel methods were adopted in case of Nariman and Sidhwa? In whole of India, no such great injustice of the blackest type has been perpetrated, why then in these two cases where the members of the minority community were concerned? Are not these two cases enough to give a communal turn? Why? We are told very openly that the Congress high command has issued such unjust orders, otherwise Congress lieutenants, dare not do such glaring injustice to the great leaders as they have done in cases of Nariman and Sidhwa.

In Karachi where I was for a fortnight lately, it is freely spoken that Mr. Dolatram Jai Ramdas had a great hand in throwing out Mr. Sidhwa.

May I request Pt. Jawaharlal to issue a statement why such cases of injustice have happened only in Bombay and Karachi, where the members of minority community were concerned? So when Pt. Jawaharlal wants us to think coolly, we do think in our cooler moments and come to the deplorable conclusion that it seems this unjust policy is being practiced in case where minority is to be considered.

It is no use being hard to leading newspapers by attributing motives, and calling them to stop this agitation, and thus stifling the voice of public, which rightly gives its opinion without fear, when the time for help in shape of money or mass agitation comes, you request this great public of Bombay, and in its turn the public amply satisfy you, but when the time comes for the same public asking for sheer justice, you put your hands on your ears and do not want to hear, bringing one excuse or other. Is this fair?

....Will Pt. Nehru go deep in this wretched matter and find out where the mischief lies.

**SARDAR WILL LEARN GOOD LESSON.**

**From: Chunilal V. Saraya.**

I know Mr. Vallabhbhai well and he knows me well too. Last year this time I was with him. This I write to refresh his memory.

Now coming to the point, I may be allowed to write that the arbitrary act of Mr. Vallabhbhai in selecting Mr. Kher as leader in place of Mr. Nariman has given such a shock to Bombay Presidency in general and Bombay City in particular, that it rocks the city from one end to the other for a week past.

At times from evil comes good, and in this case Vallabhbhai will open his eyes wide and see things in proper light that it is not so easy to trifle with the opinion of the public and to play with their feelings.

Vallabhbhai should know, and know it for ever that he is for Congress and not Congress for him. He will also experience (rather at his bitter cost) in what esteem Nariman is held in Bombay and what public of Bombay can do for him.

It matters not to what community he belongs, what public sees in his is this that for his mother country Nariman has sacrificed his practice, his fortunes, his time, his energy and he is one of the very few who acts like a proper soldier of our beloved leader Mahatma Gandhi and other great leaders like Das, Motilal Nehru, Malaviya and Jawaharlal. Next time Vallabhbhai will think ten times before he dares to challenge the public opinion of this great city and do harm to the idol of Bombay.

Perhaps he thinks that he is quite safe in the position that he is now, but he may have found out that public of Bombay does not care a button whether wrong-doer is Vallabhbhai for the matter of that any one. Our dear Mahatma and Pt. Jawaharlal have taught us, all these years that our work should be above board and always keep our cards open, even for our enemies. Whereas Vallabhbhai who moves about in the company of such honourable and honest leaders like Mahatma, Malaviya and Pandit Jawaharlal has taught us to practice underhand methods and intrigues and arbitrary methods. And in this Mr. Kanayalal Munshi has played a great part. His suggestion that Bombay had no leader, and as King Vallabhbhai to fill in that place as if Munshi had any right to do so.

Was Mr. K. Munshi ashamed of acknowledging Nariman as his leader? Does he want to pass as one? Has he sacrificed anything for his country? Does he give any time to his country's work? All his time goes in High Court, and in filling his pockets. So far he is successful with the help of his master Vallabhbhai to oust the hero of Back Bay, Veer Nariman, but at what cost? He must first learn to sacrifice, work hard in the interest of his country and then to think of filling Nariman's place. Honour and praise come to those who deserve them, one has not to run after them but they come by themselves when one deserves them.

All along I have not called Vallabhbhai "Sardar" why? because I have ceased to call him such from that day, when at Marwari Vidyalaya some years back, he demanded from Bombay merchants lacs of rupees for the Congress Fund and when merchants requested him not to press for more money as they were passing bad times, he like Nero said, "Let the whole Bombay be on fire, I care not, I want money for Congress." From this time I had no respect for him and I told him so.....

### PRINCIPLE OF DEMOCRACY AT STAKE.

From: R. N. Prabhu, G. S. Gudal, G. N. Pai, G. N. Gudal, V. N. Shahubagh, D. J. Pandel, and G. N. Shenvi.

The fiat of the A. I. C. W. C. has gone forth to the effect that it sees no reason whatsoever to interfere in the "free, deliberate and unanimous choice" of the Congress M.L.A.'s in the Bombay Assembly, in electing their leader.

No one, in Bombay at least imagined that even the Congress Higher Command could be so weak as to acquiesce in the dictatorial and high-handed actions of Vallabhbhai and treat the public protest from the citizens of Bombay with utter indifference, as of no significance. The statement of the Puppet M.L.A.'s declaring that the election of their leader was an unanimous one also reflects the hand of Vallabhbhai in its preparation; most of the signatories are from Gujarat and Maharashtra.

We do not think that these were the only Bombay M.L.A.s at Delhi; if then what about the other M.L.A.s from Karnatak and the majority from Bombay. Had they nothing to say in this matter or was their voice submerged? Their very silence and their abstaining from signing the statement indicates that futile assumption that the election was unanimous.

It is immaterial as to who is the leader of the M.L.A.s so long as the main strings are being held and pulled by the Congress High Command, and the future Congress Ministries are being controlled by them. Yet we submit that even the much despicable constitution would have shone better, with a place for every man and with every man in his place.

In view of the above, the election of the leader by the Congress M.L.A.s is not and cannot be boiled down to a local affair, involving personalities. What is concerned is the principle underlying such elections which is at stake, under the guise of democracy.

Everyone with eyes and ears can perceive the sinister hand of Vallabhbhai who has utterly mishandled this affair, though the Congress High Command tries comfortably to overlook this aspect. If the Congress High Command comes down to Bombay to witness the public wrath, we have no doubt that their first action will be to reverse this ignoble decision. If everything has been above board as it is supposed by the C.W.C., we put one plain question:—Can Vallabhbhai dare face the Bombay public in public, in support of his avowed straightforwardness in this affair or in the respect of any other matter, in connection with Congress activities?

Whoever the leader be, this much is certain that Bombay has lost confidence in some of the self styled leaders in the Congress Fold, who are to blame for the indirect undermining of Congress strength in such a premier city, the mouthpiece of India, as Bombay.

It is most surprising that the Congress High Command should have thought it advisable to include Vallabhbhai in the triumvirate now entrusted with the onerous task of supervising the working of future Congress ministries as if the mischief already done is not sufficient.

### EXPOSE WHOLE SHAMEFUL AFFAIR.

From: Mahomed Silkwal.

The Nariman affair has been argued back and forth, pro and con in the columns of your esteemed and most fearless paper and it has provided ample food for thought to the people who really want to see through the whole game of self seekers that are dominating the Congress politics in Bombay Presidency.

After going through the arguments one has no hesitation in accusing Nariman of having betrayed the cause of the minorities by the attitude that he has adopted. His present attitude may have raised him in the estimation of the public and may have won him the felicitations of the reactionary gang of corporators (who are simply exploiting the situation to lower the prestige of the Congress, this is that same gang of corporators that refused to present our beloved President Jawaharlal with an address and so we need not attach much importance to what they do) but it has done manifold harm to the cause and prestige of the Indian National Congress.

By his hush-hush policy and remaining practically mum over the whole affair he endorses the unconstitutional and undemocratic election of Mr. Kher; he has indirectly encouraged the penetration of Fascist mentality in the Congress. Those that accuse Pandit Jawaharlal of having endorsed the unconstitutional election of Mr. Kher and ask him to rewrite his autobiography, wherein he has condemned Fascism wholesale, should think twice before they utter a word as it is not his fault but it is the fault of Nariman himself because he refuses to expose the shameful intrigue by remaining silent over it. In this way Mr. Nariman has entrusted the destinies of the people to the hands of Fascists and Communalists.

Mr. Kher may have been a very good man in the past but now one has no hesitation in denouncing him as one of the culprits in the intrigue to oust Mr. Nariman. The fact that the whole affair of the election was stage-managed clearly shows that Mr. Kher was in the know of everything, and it was with his consent that he was unconstitutionally and in an undemocratic manner elected as the leader of the Congress Party in the Assembly. Here Mr. Kher's behaviour calls for an unqualified condemnation and an unrestricted censure.

Herewith I appeal to Mr. Nariman in the name of the Congress to expose the whole shameful affair and nip fascism in the bud, as far as the Congress is concerned.

#### AHMEDABAD JOURNAL CRITICISES WORKING COMMITTEE STATEMENT.

"The Star" (Ahmedabad), while accepting the Working Committee's statement on Nariman episode as closing the "regrettable incident", severely criticises the manner in which the affair has been dealt with by the Congress Executive and the tone of the statement.

"Objections might be raised to the manner of the enquiry," says the Ahmedabad journal and still more to the tone of the statement. Continuing the "Star" says:—

It can be averred that the procedure adopted savoured more of the summary trials by an honorary magistrate, than the thorough and exhaustive inquiry conducted by a judicial tribunal.

The desire of the principal aggrieved party to hush up the whole thing, the undesirability of giving undue importance to a minor issue as it may result in detrimental repercussions, the

supreme need at the moment of presenting a compact national solidarity, and above all, the necessity of devoting every ounce of energy and every moment of time to far more imperative issues provide sufficiently cogent grounds for the committee's rapid disposal of the work.

But it may appear to an ordinary reader that the tone of the verdict leaves much to be desired. The phraseology may seem to betray a kind of a bureaucratic tendency aggressively assertive and impatient of the least sign of opposition, specially when the implied warning in the concluding part bears a strong resemblance to the high-flouring verbiage indulged in by Indian officialdom and cannot fail to jar on a sensitive ear.

It is felt in some quarters that this kind of tone is getting habitual to the Congress High Command. The strictures passed against journalism in certain working committee communiques, the reprimand dealt by Jawahar to the Indian Press but a short time ago, all bear impress of the same irritated state of mind. And so this undemocratic mannerism of the Congress High Command needs elucidation.

#### WILL THEY EXPLAIN?

From: S. N. Lahiri.

After all, the bitter truth has come out that the veteran leaders were unanimous in not electing Mr. Nariman as the leader of the House.

Well-done! They must have had better reason to do so.

But will they be good enough to lay before the public, the reason for doing so, to calm down the popular indignation, or will they turn their back in contempt on the mass feeling and still say dogmatically,—“it is our wish”, or will they act like those that kick the ladder after reaching the height?

The discipline which the A.I.C.C. is anxious to maintain is likely to give way sooner or later, and thus will bring in its train serious rupture and disorder which to quell, even the machine gun or the German howitzer would prove ineffective.

Stone walls do not make a prison, nor iron bars a cage in confining the spirit of a free and independent thinker.

#### HOW SARDAR TURNED DEO, AGAINST NARIMAN.

From: Congressman-in-know.

It is really a sign of healthy public spirit that, despite Congress high command's efforts, discontent over Kher-Nariman

chapter still continues and is being expressed by public spirited persons in most unambiguous terms.....

Now, Sir, I have some facts in my possession which have played some important part in this unfortunate episode and at this stage, I feel that the public should know it. It will help the people to know and understand, and also to judge the whole event which has brought clouds of discontent over this city and clouds of shame over the Congress high command.

It is said that Mr. Kher's election was an unanimous one. It is very often mentioned that excepting a few members of Bombay all other members were in favour of Mr. Kher and not in favour of Mr. Nariman. Though, this statement is not a perfect truth I do not wish to stress much on it.

It was reported in the press before the meeting, to elect the leader, was convened, that Maharashtra and Karnatak M.L.A.'s were in favour of Mr. Nariman and they had informally decided to that effect.

No doubt, there was some wire pulling from behind later on and as a result Maharashtra and Karnatak M.L.A.'s supported the election of Mr. Kher. This is an open matter and public know it pretty well.

What the public do not know is the reason or reasons of this sudden turn of events and it is this important factor of the drama that I want to make known to the people.

So far as Gujarat members were concerned they were mere spring dolls dancing on the finger of their great Sardar. They had no opinion of their own. Their Sardar wanted them to raise fingers for Mr. Kher and they did so. At Delhi their Sardar wanted them to prepare a representation and sign it, and they meekly obeyed. So, there was no wonder if they supported Mr. Kher's election. In fact they had not to support Mr. Kher, they had to support, and strengthen the position of their Sardar.

Sardar might have suggested the name of Mr. Waghela of Gujarat for leadership as he once suggested during his talks with some journalists, and Gujarat members who would have established Mr. Waghela wholeheartedly as their god incarnate.

But I may say, that there are many Gujarati members in the legislature who have really regretted this election and Sardar's attitude towards it and though they have no courage to

come out publicly and condemn Sardar's actions, they do condemn Sardar in private and confidential talks. In this connection, I may state that Sardar's speeches at Ahmedabad during last Municipal Elections were very much deplored by his own trusted lieutenants and they had attributed the blame of rival candidates' success on Sardar's head as, of course the whole city of Ahmedabad did.

I shall only say that Gujarat members have to thank themselves for the great spirit of meek submission which they have derived from Gandhian teachings, unfortunately through a Fascist channel.

But really surprising was the attitude of Maharashtra and Karnatak members. They were given orders to 'About turn' by their respective leaders and I am in a position to state that those leaders had some reasons of their own to do so. Of course had there been no wire pulling from Sardar, who in his turn was determined to oust Mr. Nariman partly because of his own convenience and partly because of ear poisoning, then Dr. Deo and Deshpande would not have bothered. I shall now come to those so-called reasons.

So far as Mr. Shankar Rao Deo was concerned, one has to go back to the events of Faizpur Congress. It was during this historical period that Mr. Nariman earned the wrath of this saintly Deo who would have burnt Mr. Nariman to ashes, had he got the "Third great eye of 'Maha Deo' ".

Mr. Deo in his capacity as the chairman of the Reception Committee had constructed several sub-committees for the work of the session. He had nominated Mr. Nariman in the Finance sub-committee with a hope that Mr. Nariman might be useful in getting funds for the session. Mr. Deo had also nominated Mr. Ramdas Pratap in that Committee and had authorised him to collect funds from Bombay, Mr. Deo had issued a statement to that effect also.

It is said that Mr. Nariman had agreed to serve on that committee in the beginning but later on refused to do so, for reasons, obviously in the interest of Bombay. It is also said that Nariman refused to assist Mr. Pratap, or say, the Faizpur Finance Sub-Committee, under the advice of Vallabhbhai who is said to have reminded Nariman of the then forthcoming election.

Anyway, Nariman not only refused to serve on the committee but also informed some of the merchants and commercial insti-



tutions of the city who had received letters from Mr. Pratap that he (Mr. Nariman) had no connection with the said Committee. Further Nariman is said to have asked the benevolent citizens not to give anything to the Faizpur Committee as "election funds work" was fast approaching.

Nariman's above attitude was reasonable and justified so far as Bombay was concerned but obviously it could not but incur the indignation of Maharashtra leaders. Mr. Ramdas Pratap reported the events to Mr. Shankar Rao Deo who was very much angry with Nariman.

So when Mr. Deo was asked by Vallabhbhai (it is an open fact that Vallabhbhai had prior consultation with Mr. Deo as he is reported to have said before the M.L.A.'s meeting; "Mr. Deo's opinion is in my pocket") to consider any other name than that of Mr. Nariman, Mr. Deo had not to go far to seek reasons for that, Maharashtra members had easily been persuaded that they could vote for one who had refused to co-operate in Faizpur session and whose refusal to co-operate amounted to nothing less than an effort to break the success of Maharashtra Congress session.

So far as Maharashtra votes were concerned, Messrs. Deo, Patwardhan and Deshpande were right in saying that Vallabhbhai did not influence a single vote. In fact it was not necessary for the Sardar to do so as he had already had prior consultation with Mr. Deo, the leader of the votes; but not a voter.

It is gratifying to note however, that despite Messrs. Deo, and Patwardhan's persuasion there were several Maharashtrian members whose sense of justice and clear thinking was alive and who had only submitted to the leaders' dictation just to maintain unanimity in the fair name and prestige of the great institution. This is the tale of Maharashtra. Now comes the remaining province, Karnatak.

While dealing with Karnatak members' attitude, I shall not drag in Mrs. Kamaladevi Chatopadhyaya's name, who has to leave the great field of Bombay and remain content with Karnataka, because it is alleged, of Nariman and his party. I, however, mention here the part which the Sardar is said to have played.

Here too, he did not influence a single vote. He is in fact not in a habit of influencing voters. He simply catches hold of one who is not a voter but who has ample hold on voters.

Mr. Gangadhar Rao Deshpande was the proper old man for that purpose. It is said that it was the "Bombay Sentinel" which helped Sardar in his campaign against Nariman. One cutting from "Sentinel" displayed Mr. Ramdas Pratap's letter of resignation from B.P.C.C. and one cutting of an editorial article written by Mr. Horniman in the "Sentinel" were sufficient to convince the Karnataka leader of Nariman's disqualification for the leadership of the Congress Party in Bombay Legislature.

A case was made out, it is said, by Sardar from Mr. Pratap's resignation, against Mr. Nariman and he had no difficulty in stating that "All was not smooth in the B.P.C.C." and that none but the leader of the B.P.C.C. was responsible for "lack of harmony" among the workers.

It is not for me to say that Mr. Pratap's letter was mischievously misused. Let the public judge for themselves. I shall only mention one assertion from Mr. Pratap's letter which indicates indirectly, if not directly, that it was Nariman who was greatly responsible for "maintaining the outward show".

Poor Mr. Gangadhar Rao had then, no other go but to ask Karnataka members to change their decision "on bonafide reasons". Sardar need not approach any individual member which was below his dictatorial dignity, Fascist statesmanship and kingmaker's tactics.

He had in his pockets the administrative wires and he had only to pull them from the upper story of his son's residence enjoying the western breeze rushing from Chowpatty and also bringing sweet musical touch of Royal Opera House.

Apart from the facts mentioned above, there were many other ways, means and methods and even back door allegations which were employed to persuade some insisting and resistant members. I do not think it necessary to mention these all as some are discussed at length. Particularly I do not wish to place on paper other things which are absurd in nature and defamatory in substance. The public are well aware that there were certain things which were hard truth in hearts but difficult on tongue, far more difficult on pen.

So these were the factors underlying the intrigue to oust Nariman. The player was almighty Sardar and he was assisted by, or rather got assistance from mighty big provincial guns.

I have several other matters also which I shall place before the public in due course of time. I only hope that cold water

from the Congress high command will not be able to bring down Bombay's "justice demanding fire" and that the citizens of Bombay will continue to voice their cause till justice is secured in a most democratic way.

### LEADERSHIP OF CONGRESS LEGISLATORS.

**From: Mr. B. F. Bharucha.**

When Gandhiji first started his famous non-co-operation movement in 1921, he kept on speaking and writing about the Shuddhi! He laid the greatest stress on this expression, and its faithful observance. "Shuddhi", he said, "was dearer to him than Swaraj". For without Shuddhi—self-purification—Swaraj, the real Ramraj was unattainable, and if attained by violent or vicious means, it was neither honourable or tenable.

Now, as regards the then contemplated election of the leader of the Congress party in the Bombay Legislative Assembly, let us apply the Gandhiji's approved text of Schedule.

(1) Saradr Vallabhbhai invited a Conference of Provincial leaders in Bombay. Sjt. Deshpande from Karnatak, and Sjts. Shankerrao Deo and Achut Patvardhan from Maharashtra, himself representing Gujarat.

(2) It was Sardar's idea to select a leader who would be able to command the respect and the co-operation of the Congress representatives of Gujarat, Maharashtra and Karnatak.

(3) Why was the representative of the Bombay Provincial Congress Committee, its President Mr. Nariman dropped out from this Conference?

(4) Has he not been the President of the B.P.C.C. for years?

(5) Hasn't he been recognised by all as the Congress leader of Bombay?

(6) Wasn't he the President of the Congress Party in the Bombay Council?

(7) Hasn't he been the leader of the Congress Party in the Bombay Municipality?

(8) Wasn't he the Chairman of the Reception Committee, when the Congress was held in Bombay in 1934?

(9) Why did the Sardar drop out Veer Nariman from this Provincial Leader's Conference?

(10) Was it not a serious error of omission?

(11) Was it not wholly unfair to Nariman and derogatory to the city, that elected him as the Congress Leader on so many occasions?

To invite a Conference of Provincial Leaders in Bombay to discuss and decide the questions of leadership of Congress Members in the Bombay Assembly to drop out from its deliberations Nariman, the President of the B.P.C.C.—was like playing Hamlet without the Prince of Denmark. Sardarji you as stage manager to commit this Himalayan blunder is unthinkable!

Now it is stated on all hands that the Sardarji and his invitees selected Mr. Kher and recommended him to the members of the Congress Party in the Assembly, who had specially met to 'elect' their leader. So there was no regular election. It was a mere selection and that by three or four big men!

(1) Sardarji, wasn't this a nomination?

(2) Can it ever be called an election?

(3) Wasn't this unusual, irregular and ultra vires? Wasn't this a definite denial of democracy, Sardarji?

(1) The Congress members of the Assembly were elected by hundreds of thousands of voters all over the Presidency.

(2) The humblest clerk, peasant or workman had the right to exercise his votes; and so exercising it, they elected the man of their own choice by the ballot system.

(3) But, their own elected men were denied the opportunity of electing their own leader!

(4) Wasn't this a definite denial of democracy?

(5) Wasn't it like stifling Provincial Autonomy at its very birth?

(6) Was it a straightforward, free and untrammelled election?

(7) No. It was a clear cut nomination; and hence it cannot be maintained as valid.

This writer refrained from putting his pen on paper, thinking that the shrewd Sardarji would perceive his errors—both as regards Nariman's exclusion from the Conference and the subsequent election farce and as a sagacious publicist, he would set the matter right. But Sardarji failed and failed painfully. Then it was expected that the Working Committee would right the wrong. But that august assembly of leaders too, failed to grasp the situation.

Under these circumstances I have deemed it my duty to draw the pointed attention of Gandhiji, Pandit Jawaharlal and Sardarji to the deep resentment that has been felt in the city and amongst the minority communities regarding the gross injustice that has been done to their hero Veer Nariman.

During the last few weeks, this writer has met many members of all communities—in Bombay, Gujarat and Poona and they have fired him with the following questions:—

- (1) Was it an election or nomination?
- (2) Was it the first fruit of Provincial Autonomy?
- (3) Was it the way the Congress going to protect the interests of the minorities?
- (4) Was it democracy or rank autocracy?
- (5) If this is the way of Congress Democracy, God save us please!

The resentment amongst the Parsis is beyond expression. This writer has noticed nationally-minded, khadi wearing Parsis discarding Khadi and condemning long for this indiscreet, unfair and unfortunate act of Sardarji and the implied approval of the Working Committee. They reminded me of the promise made by Sardarji at a public meeting of Parsis conveyed by the Parsi Rajkiya Sabha, that on the advent of Swaraj, he, the Sardarji would give a blank cheque to the Parsis. They ask me today whether this is a blank cheque for the Parsis, or an unfair check on Parsis? Let the Sardarji answer!

With due deference to the Congress High Command, let me say most plainly, that the attitude of Sardar Vallabhbhai in ignoring Vir Nariman that his telegrams to Sjts. Deshpande, Shankerrao Deo and Achut Patwardhan, the recent campaign of certain Gujarati papers in pulling down Nariman, they have all caused such disgust for the Congress ways of working, that should the High Command fail to right the wrong, they will so impair public confidence that at a psychological movement, they will find a considerable portion of Bombay not only not responsive but definitely hostile to Congress. To a lover of Shuddhi like Gandhiji and to a lover of fairplay like Panditji, I appeal in all earnestness not to lose this opportunity of doing the right thing for Nariman and thus restore the confidence of the people in our great national institution.

# Historical Telegrams.

## REVEALING TELEGRAMS IN ANTI-NARIMAN INTRIGUE.

**From: A Lover of Truth.**

Truth may be obscured for some time in a cloud of intrigues and misstatements, but it cannot be suppressed for ever; hence, in the interest of that long-suppressed truth, it is deemed necessary to revert to the unpleasant controversy about the leadership of Bombay Parliamentary Party.

It will be remembered that Vallabhbhai all along assumed a pose of injured innocence and stoutly maintained that he was needlessly and unjustifiably involved in that affair when, as a matter of fact he had kept strictly aloof, leaving it entirely to the free vote of elected members to decide.

It seems that he made a similar protest before the Working Committee and solemnly declared that he had not tried to influence a single vote. All that he did was to convene a meeting of members.

His colleagues were naturally bound to accept that solemn assurance, and accepting it there was no other alternative but to pass the resolution completely exonerating him at the same time adding a proviso that, had there been any reason to believe that the election had been influenced by the improper conduct on the part of anybody or undue pressure from Vallabhbhai as alleged, it would certainly have ordered a fresh election.

In view of the above proviso, in the interest of truth and justice, it is necessary to re-open the suspended topic, as fresh evidence recently traced, conclusively proves that, as alleged, Sardar Vallabhbhai was really responsible for the unexpected result and had it not been for his uncalled for interference and mischievous meddling the result would certainly have been different.

It will be remembered that on 8th March, i.e., four days before the meeting of members in Bombay, most of the Maharashtra M.L.A.s had assembled at Poona and passed a resolution recommending Nariman for leadership and deputing one of their senior members to give effect to the said resolution in Bombay meeting.

An A.P. Press report of the said meeting prominently appeared in all the papers on 9th March, the "Bombay Chronicle"

giving a heading 'Nariman as Prime-Minister'. The Karnatak member were to follow the lead given by the Maharashtra. Vallabhbhai was in Ahmedabad on 9th March when the said report appeared in the papers; so immediately after, he sent the following two telegrams from Ahmedabad:

(1) Telegram dated Ahmedabad, 9th March to:—

**"Shankerrao Deo care Congress Poona—Poona reports cause anxiety Achut you must meet me Bombay Thursday.**

**Sd|— Vallabhbhai**

(2) Telegram dated Ahmedabad 9th March to:—

**"Gangadharrao care Congress Belgaum—Please meet me Bombay Thursday."**

**Sd|— Vallabhbhai.**

The M.L.A.s meeting for electing the leader was fixed for Friday the 12th March, and Thursday referred to in the telegrams would be a day previous, i.e., 11th March.

Vallabhbhai himself left Ahmedabad and arrived in Bombay in time for the secret conference and Sjts. Shankerrao Deo, Achut and Gangadharrao, pursuant to the above telegrams, also immediately hurried to Bombay, though Sjt. Shankerrao was at the time completely disabled and was unable to walk or even stand, due to a fracture of spinal cord, and after fulfilling this mission he had to be confined to hospital for several weeks.

As arranged, a secret meeting was held in a convenient place at Girgaum where Vallabhbhai was formerly residing, between Sjts. Shankerrao (who was carried) Achut, Gangadharrao and Sardar and one or two other trusted confidants, and it was resolved at the instance of Vallabhbhai in the secret conclave that vigorous efforts should be made by Sjts. Shankerrao and Achut to influence and bring pressure on Maharashtra members to alter their decision in favour of Mr. Nariman as resolved at the Poona meeting of 8th and Sjt. Gangadharrao to make similar endeavours amongst Karnatak members amongst whom Nariman was a hot favourite.

Accordingly after the arrival of the members in Bombay, vigorous canvassing was carried on in Sardar Grahya, some local 'leaders' also joining in this hostile campaign of vilification and slander. All sorts of false 'stories' were spread, behind the back of the persecuted victim and without giving him a

chance to refute or explain, thus causing a strong prejudice, so that shortly before the meeting the atmosphere was changed.

If it were not for these telegrams from Vallabhbhai from Ahmedabad there is no doubt that the eleventh hour mischief in Bombay would not have been perpetrated and the Maharashtra M.L.A.s would have adhered to their previous resolution and Karnatak was expected to follow.

After this incontrovertible piece of convincing evidence we are confident that nobody, howsoever partial and friendly, will come forward to defend the Vallabhbhai as innocent victim of a malicious and hostile campaign.

#### WORKING COMMITTEE MUST CARRY OUT PROMISE.

From: M. J. G.

You (Mr. Horniman) were the first to set the ball of agitation rolling regarding the obvious injustice done to Mr. Nariman. I had suggested at that time for the appointment of a Committee to continue the agitation. Though the suggestion was not taken up, the agitation compelled the Working Committee to issue a statement. It was there stated that, if the Congress had reason to believe that Vallabhbhai or any other person had influenced the election, the Congress would have set it aside.

Sometime back you made the sensational disclosure of two telegrams having been sent by Vallabhbhai to Messrs. Deo and Deshpande, which 'prima facie' proved Vallabhbhai's Complicity in the anti-Nariman affair. Your contemporary the "Praisers-I-Hind" in its English issue on Sunday gave a facsimile copy of these two telegrams, which I enclose for a ready reference.

Since you were the first to agitate this question, may I Sir, appeal to you to forward the said facsimile to the Secretary of the Congress, with a request to place the same before the Committee for action. In a forwarding letter, you may quote the exact words of the 'judgment of the W.C.', wherein it gave the assurance to the public of setting aside the election, if it was proved to be engineered. A copy of the letter may be sent to the President with another facsimile if available.

It is significant that in a reply to Mr. Jamnadas Mehta's albeit mostly wrong and misleading attack on the Congress, given by Mr. Kher, he omitted any reference to the part where Mr. Jamnadas Mehta pointed a finger at the Congress for the



Nariman episode. How much has the Congress prestige suffered in an unnecessary attempt to shield a wrong act?

The previous decision of the Working Committee greatly shook the confidence of the public in its impartiality, at least, where big bugs were concerned; (it's human nature all over the world). One does not expect much to come of this, but it would be just interesting to watch the reactions of the Command how it will now try to explain away the evidence.

On the previous occasion the President had to issue an explanatory statement, which in some respects was extremely damaging, as it contained an open admission, not only of narrow communalism but rank sectarianism in our Congress M.L.A.'s as the President stated something to the effect that as the Maharashtrian element was the largest among M.L.A.'s a Maharashtra was elected leader, or words to that effect.

One wonders what Mr. Kher now feels about his election as 'Leader'.

#### DEO AND PATWARDHAN CONDEMNED OUT OF THEIR OWN MOUTH.

How strange to see Sjt. Achut Patwardhan, the Socialist leader of Maharashtra entering into an unholy alliance with Sjt. Shankerrao Deo, the orthodox President of the M.P.C.C. to explain away Vallabhbhai's telegrams, which a Bombay paper has unearthed?

No doubt the vigilance of the press has traced the conspiracy to its very source and its partisans are now engaged in a desperate attempt to evade the just retribution they so richly deserve.

Unfortunately, however, the very facts set out by these august dignitaries of the Congress and others that are public property, bring the guilt home to them and their mentor from Gujarat.

The Poona leaders have certainly rendered a distinct service by quoting the whole message wired out by the "Associated Press" on 8th March. But even a child can see that it was not the first but the second para. of the message that threw the redoubtable Vallabhbhai into a paroxysm of anxiety.

Why should the reported decision of the Maharashtra M.L.A.'s in favour of acceptance of Ministry worry anybody at all?

Hadn't the Congress President asked all Congress Committees—local, district and provincial for their opinion on the office acceptance issue before the A.I.C.C. met to decide the question in the end of March? Hadn't the Madras P.C.C. decided upon unconditional acceptance of office under the able guidance of the great C. Rajagopalachariar? And if the Sardar hadn't lost a single second's sleep on that account, why should he have been enraged at a similar resolution that might be adopted by the Maharashtrian M.L.A.'s? Nor could a contrary resolution adopted by the M.B.P.C.C. by a narrow majority be construed by any cannons of politics to deprive the M.L.A.'s of their freedom on the matter!

No need for the Sardar to be worried over the premature talks about the distribution of ministerial portfolios. Such childish prattle was heard all over the country and the Congress President had administered a stern rebuke to all mischievous careerists and kite fliers.

It was therefore indisputable that it was the sting in the tale of the A.P. message that hurt the Sardar to the quick. For Maharashtra M.L.A.'s were reported to have committed the unpardonable offence of recommendation the name of Nariman for the premiership—that is—the leadership of the Congress Party in the Assembly and as this very question of leadership was the urgent and immediate question that was to be settled at the next Friday's (12th March) meeting, it is clear as daylight that the Sardar hastened to send dictatorial telegrams to summon the courtiers to his august throne on Thursday.

What else could have actuated the Sardar in wiring also to Gangadharrao Deshpande—who was not even a member of the Parliamentary Board—except his anxiety to take secret counsel with him regarding the election of the leader?

The Sardar's orders were, of course duly obeyed. It cannot be denied that he discussed the burning question of leadership with Messrs. Deo, Patwardhan and Deshpande on Thursday and Nariman being secretly ousted and Mr. Kher being chosen in camera, the work of educating and tutoring the different groups of M.L.A.s was pushed on with amazing vigour on Thursday and Friday.

This is confirmed by the published proceedings of the momentous meeting on Friday.

Firstly, Patwardhan and Deshpande were present as outsiders at the meeting. But Deo could not attend as he was already in hospital.

Secondly at Mr. Patel's own instance he as well as Mr. Deshpande who had settled the matter the day before were elected to recommend the leader's name.

Thirdly no Bombay name was included in this panel, in spite of the mild protest of S. K. Patil but with the obsequious approval of K. M. Munshi. Thus all open discussion at the meeting was effectively scotched.

Fourthly the Committee took only 30 minutes, during the tea interval to settle their recommendation on this vital question though Deo, one of the three members was absent. When somebody asked the Sardar about it, he promptly replied "I have Shankarrao Deo's opinion in my pocket", evidently because the Big three had already decided the matter on Thursday.

Lastly Mr Nariman and his friends were absent from the meeting as they knew of the plot beforehand and even Sardar's personal appeals to abide by his dictation had failed to draw him to the meeting that was summoned to register in (conspiratorial) decision.

I challenge Messrs. Deo and Patwardhan to deny that the decision to oust Mr Nariman and to instal Kher as the leader was taken at the secret meeting on Thursday and the chief initiative in the matter was taken by the Sardar by sending two telegrams from Ahmedabad to Poona and Belgaum.

And why hasn't the great Sardar dared to open his lips and lay his cards on the table for all these months if he had been just an innocent spectator in the game?

#### TELEGRAM PROOF UNNERVES LEADERS.

**From: A Congress Worker.**

A discreet silence after all is the wisest and safest course to be adopted in a defenceless case; futile and childish attempts to set up silly explanation betray guilty conscience and make the position more ridiculous: in order to maintain one initial false position one has to 'patch up' more stories.

In that category may be described the cheap and childish efforts from Maharashtra to explain away the damning telegrams.

It is but natural that any fresh disclosure should make the guilty more nervous and the frantic efforts should be made to suppress the truth by gagging the controversy. Hence the publication of such important, relevant and convincing proof as the telegrams is described as 'sensation-mongering', whereas this obviously after-thought explanation can more correctly be described as a clumsy attempt at white-washing.

This explanation wants the gullible public that the Sardar only wanted to call for an explanation about such loose talks and desired first hand information.

The first telegram immediately summoned Sjts. Deo and Patwardhan to meet in Bombay on Thursday as Poona reports (evidently of 9th March recommending Mr. Nariman for Premiership) had caused much anxiety.

We must remember that Sjt. Deo was bed-ridden at the time and Sjt. Patwardhan, as the leader of the Socialist was considered responsible for the non-acceptance resolution.

What explanation or information was expected from the bed-ridden president of the M.P.C.C. who could not even attend the M.P.C.C. meeting and did Sardar hope to convert the leader of the Socialist Group by calling him to a secret conference in Bombay?

It is really surprising that the Socialist leader should be at the beck and call of a right-winged anti-Socialist Congressman.

What was the significance and importance of meeting on Thursday—and in Bombay, that is a day before the M.L.A. meeting in this very place?

There was nothing extraordinary or demoralising in Maharashtra M.L.A.'s assembling even informally as is admitted, and making certain recommendation and suggestion to the superior body A.I.C.C. It is certain that if they had not recommended Nariman's name the whole proceedings would have passed unnoticed. It was that one recommendation that appeared demoralising and revolting and hence drastic steps and measures, immediate and urgent messages, secret conferences and plotting with a view to undo that obnoxious recommendation.

An exactly similar situation had arisen in other provinces where members had met and passed resolution for acceptance of offices and also making individual and detailed recommendations but the Sardar's sense of duty was not aroused nor was it

“demoralisation” detected, because the ‘unwanted name of Nariman was not there.

But this explanation is very wisely and discreetly silent about the other telegram sent simultaneously to Sjt. Deshpande at Belgaum. Why was that accommodating infirm and ailing Karnatic leader so hurriedly summoned to attend the same secret conference in Bombay on the same date?

There was no meeting or resolution formal or informal of Karnatic members and hence there was no sense of duty to be performed nor any demoralisation apprehended. He had nothing to do with the Poona resolution and reports. Thus this one point completely finishes this ‘cooked up defence.’

Such obviously false explanation and defence would do discredit to third rate lawyers in a Mamlatdar’s Court. They deceived nobody but ill befit those who assume the Mahatmic pose of Truth and Non-violence and ultimately do great harm to the organisation.

The last paragraph of the statement completely proves the original charge and the conspiracy was hatched and carried out in Bombay after the secret interview with Sardar pursuant to these telegrams. That statement says: “If any of us were out to ‘down’ Nariman, we would normally have used the opportunity of the 7th March gathering to initiate a whispering campaign against him; if plot there was, it should have begun to take shape then.”

Thus it is clear that from the above that till 7th March that there was no plot and no ‘whispering’ and ‘canvassing’ begun at the Poona meeting. They were quite innocent till Bombay contact on the 11th. when the first idea of downing Nariman originated.

Thus neither the Pseudo Socialism of Mr. Patwardhan nor the imitative Mahatmism of another can in anyway improve matters as the more they try to defend, the more the case is condemned.

# *The Appointment of the Tribunal.*

## WORDS BETRAY HIS MOTIVE.

From C. K. Vyas (Advocate), Dr. V. T. Kailasam, M.A., Ph.D., A. S. Bhatt, B.A., B.T., G. G. Joshi, B.E., A.M.I.C.E., Bal Gangadhar, B.Ag., Jogindra Palit, B.A., B.Sc., M. C. Khanwala, M.A., B.T., G. S. Dalsi (Merchant), R. Bose, G.D.A., P. P. Mirchandani, L.L.M., Dalpatrai Asabhoy, Advocate, Jagmohandas Ramji (Merchant), Mathradas Barfiwala (Merchant), D. C. Dirslam (Merchant), Dattatrya Kulkarni (Merchant), Harisunder Pisanu (Merchant), S. Sakharam, B.Ag., K. M. Lalji (Merchant), M. T. Shah Bar-at-Law.

If you will allow us some space in your paper regarding Nariman—Vallabhbhai Controversy, we shall be grateful.

Vallabhbhai writes: "He has hitherto deliberately and studiously remained silent." Quite wise of him, because the moment he opened his mouth poor Vallabhbhai gave himself up, that he did not wish Nariman to be the leader, and for this reason he moved Heaven and Earth to do Nariman in the eye. So after all the cat is out of the bag.

Poor Vallabhbhai little did he know what he was writing. So he thought Nariman was not fit for the leadership!

May we ask him, who this Vallabhbhai is to judge Nariman. Can he bear any comparison to the lion of Bombay? Is he even fit to tie the lace of Nariman's shoe? Has he even one-tenth of the brain Nariman has?

It is really difficult to understand how and why he has been entrusted with this responsible post in the Congress. Is it because he brought misery and wretchedness to good, hard-working, honest, farmers in Bardoli by giving them all sorts of promises and allowing them to lose their all, cattle, crops and money to join Non-co-operation movement?

May we ask who can ever believe that a man like Vir Nariman desires help of a man like Vallabhbhai, who feels no shame to put a dagger at Nariman's back, and who can speak with impunity what is not the Truth?

Fancy Nariman, knowing as he did that Vallabhbhai was working against him, to go to such a man for help.

Nariman need no help from a man like Vallabhbhai. Nariman was in fact already the chosen leader of Maharashtra!

Bombay and Gujarat, till Vallabhbhai came on the scene to have the revenge on this hero. By this malicious and spiteful work Vallabhbhai has put to shame all right-minded Hindus.

We regret that the high command can do nothing. We do not believe it for a moment that Nariman will ever get justice. It seems that the Working Committee has made up its mind to save the face of Vallabhbhai, by hook or crook. If the high command does not want to make a "show" of enquiry, let Mahatma Gandhi sit in judgment and we shall bow with respect to his judgment.

Nariman is a man of great honest integrity, so he fears God and knows no other fear and his strength is as the strength of ten, as his heart is pure. Now let us come to Vallabhbhai's letter. He writes "Certain telegrams sent by me to Gangadhar Rao, Deshpande and Shankarrao to influence Congress members happily both have denied any connection of telegrams with Mr. Nariman."

We all have read this make-up statement of denial long ago. So it did no good to the Bombay public by writing it again.

What the public wanted to know was, what explanation Vallabhbhai had to give for these two tell-tale telegrams. Why he himself is so silent on this most important subject? We do not want the explanation from the third party, we want it from Vallabhbhai, the author of this mean, underhand mischief. It may be his conscience bites him, and the bites of conscience are terrible.

Vallabhbhai, remember that you have killed the high spirit of Bombay public by using your influence unjustly. You have put Congress work 10 years behind and you are responsible for bringing Congress in ridicule. You would not have dared to do this injustice if there was a Mahomedan candidate, but as Parsi community is a great minority community, you thought you can play any tricks with one of its members.

Remember Nariman is an Indian first, like the Grand Old Man of India, the beloved Dadabhoy Nowroji, Sir Pherozeshah Mehta and Mr. Jamshedji Tata. They were Indians first. Sooner you, Vallabhbhai, are away from Bombay, better it will be for Bombay in particular and India in general.

You perhaps thought the undoing of our beloved hero Nariman was an easy thing, and no one will question you. You have learnt it at your cost, is it not so? Remember, Mahatma's high ideals have taught us not to think of sincere, honest Congress

worker in terms of he or she being a Hindu, Mahomedan, Christian or Parsi. Those days are happily gone when we used to follow insincere leaders. Lessons we have learnt from those giants, self-sacrificing patriots like Das, Lajputrai Tilak, Motilal Nehru are not lost on us. You Vallabhbhai, have to be born 50 times to be one of them. You cannot make us unlearn what we have learnt from the above national patriots.

We love Nariman, because he has chosen the right path with invincible resolution and resisted the surest temptation from within and without, had borne the heaviest burden cheerfully.

He is calm in storm and most fearless under menace and frowns and his reliance on truth, virtue and on God is unfailing. If Vallabhbhai has any sense of responsibility let him come out and ask Nariman's pardon. Will he?

If he has any strength of character he will, keeping in mind that it is always the "little people," who stand on their dignity and defy creation to prove them wrong, never the big minds, the great men. Only a man who is blinded by the glory of his own self-conceit can stick without a blush to a point of view or course of action that he knows very well to be wrong.....

#### APPEAL TO NARIMAN.

**From: Muhammed A. Patel.**

After so much agitation on the platform and in the press, I was hoping against hope that yet the All-India Congress Committee will step forward to repair the mischief done to the Congress cause by a Vallabhbhai and do justice to Vir Nariman.

But alas! As if we were crying in the wilderness, and as if ours was an advocacy of a lost cause the All-India Congress Committee did not even care to discuss the Nariman issue.

I and thousands of other members of the minority communities were anxiously awaiting for news from Wardha about the Nariman episode more than the office issue and when I saw on the front page of the "Sentinel" three words that spoke volumes, i.e., "Nariman Issue Ignored" I am not only disappointed but also alarmed.

Up till now I had always thought that the Congress High Command consists of patriots and statesmen, but the Nariman episode is a proof positive that barring a few honourable exceptions they are on Oligarchy made of men worse than professional



politicians and adventurers for plunder. I am sorry for the heat in my phraseology but it is necessary to describe our feelings on the subject.

Now-a-days Mahatmajl is cut off from the masses and hence he has no knowledge of our feelings on the issue but I am grieved to find Vir Nariman betraying the cause of the minorities by meekly and humbly submitting to fresh humiliation by giving assurance of Co-operation thereby pocketing the insult to his patriotism.

We all know that Vir Nariman has no hunger for Leadership or even Premiership. But there is no question about these "ships" but a great principle is at stake. Today it is Vir Nariman but where is the guarantee that to-morrow a Masani or a Meherally will not meet with the same fate!

Under these circumstances I would appeal to Vir Nariman to withdraw co-operation, start agitation and vindicate the rights of the minorities. At this critical juncture in the history of our country the Congress High Command needs to be taught a lesson that the Indian National Congress will have to lay its foundation deep in the human heart and its success will be proportionate to its policy.

### SARDAR'S DICTATORSHIP TUMBLES DOWN.

From: R. D. Baliwala.

"Vox Populi Vox Dei." Voice of the people is the voice of God. The right has at last triumphed over the might. The dizzy height of dictatorship made the Sardar forget for a while that even the greatest of the great have bent before the voice of the people.

The recent example of Lord Linlithgow is too fresh to be forgotten. Lord Linlithgow remained adamant and refused to say anything on the question of Ministry until he was forced by public opinion to speak.

It is a good sign that the mighty Sardar has at last realised his blunder and has seen his way to issue a statement. As a matter of fact, he was compelled to do so by the force of public opinion.

But excepting the good news of an impartial tribunal to investigate into the case of Vir Nariman which the Sardar was treating merely as a Press stunt, the statement only adds insult to the injury.



Mr. Nariman was a "de facto" leader of the Bombay Assembly Congress Party and all the leading Nationalist as well as Anglo-Indian groups had already forecasted to that effect. But to the surprise of one and all, from politician to man in the street, the election result was ushered in.

I suggest that if a referendum to the voters of the Bombay Legislative Assembly is made it will be news to Sardar that the chosen leader will find himself in oblivion and Mr. Nariman would come out a successful leader with an overwhelming majority.

The citizens of Bombay must take strong exception to the remarks of Sardar when he told the members of the Congress Party at the time of the election of the leader that the City of Bombay was leaderless!

As convener of the Conference in his opening speech, he dared to insult the citizens of Bombay by uttering the said words. Can it be ever said that the Bombay is leaderless? The citizens of Bombay have not got short memory as Sardar must have got. It was Sardar who said that this was the only city in the whole of India which stood first and foremost in the last Civil Disobedience Movement.

In 1930 the success of the campaign of the C. D. Movement was due to the genius and high capacity of organisation and initiative of Mr. Nariman, the President of the B.P.C.C.

When Bombay has got a hero like Nariman, it is insult to this city and it is the duty of the citizens to call upon the Sardar to express his regret and withdraw the remarks. In case he does not withdraw the insulting tones, the public should take up the question and protest meeting should be called and resolution thereof should be forwarded to the Working Committee and all leaders.

I HAVE NOT KNOWN ANYTHING IN MY EXPERIENCE THAT HAS STIRRED PEOPLE OF BOMBAY MORE DEEPLY THAN THIS CONTROVERSY. BY MR. B. G. HORNIMAN.

It is very unfortunate that Mr. K. F. Nariman's "earnest effort to put an end to the "Unfortunate Controversy" that is still raging over the events connected with his exclusion from the Premiership have been unsuccessful.

It must be said, however, in all fairness, that Mr. Nariman is as much responsible for this as anyone.

Public controversy was reopened with the disclosure of the famous telegrams. Mr. Nariman then gave it a good stimulant when—very rightly—he wrote to the President asking that the matter should be reopened by the Working Committee.

It is very difficult to know what happened at Wardha, but leaders should understand that, if there is one thing that irritates the public and helps to continue controversy, it is mystification and attempts to hush up scandalous matters instead of enquiring into them.

One of the prime duties of a newspaper editor, in my opinion is to give the fullest expression possible to all matters of moment which may be exercising the public mind.

I shall always perform this duty to the best of my ability, regardless of the wishes, the frowns or the "hookums" of popular leaders or Government, with due regard to the law. I have never flinched from this duty, which is the greatest driving force of my life, and I never will. And I think I am old enough and sufficiently experienced to be as good a judge as, if not better than anyone else of the circumstances in which a public controversy should be dropped or continued.

Now what has happened during the last few days? We were suddenly told that Gandhiji had decided to appoint an impartial tribunal to enquire into the whole matter and settle it once and for all. I immediately decided, and gave instructions to my staff to that effect, that nothing more of controversial nature on this matter should be published pending the result of this enquiry.

But also immediately, Sardar Vallabhbhai Patel fired off a broadside at Mr. Nariman of a kind certainly calculated to prejudice the issue.

Mr. Nariman naturally replied and, in the meanwhile, there was, and is, no sign of the appointment of a tribunal and the flow of letters on the subject into the "Sentinel" office has assumed the proportions of a flood.

Public controversy of such an intense kind, on a matter that has moved the public of Bombay so deeply cannot be stifled at the mere wish of Mr. Nariman, however anxious his dearest friends might be to oblige him.

I would have ended, or suspended, the controversy, so far as "The Sentinel" is concerned, while the matter was and, if it were, 'sub judice.' But when it does not appear to be so and

the principal parties concerned are firing broadsides at one another, I cannot conscientiously refuse to allow the public to have their say.

Some of the letters published may be distasteful to Mr. Nariman, because they contain "personal attacks". I fully appreciate and have nothing to say regarding his desire to dissociate himself from "personal attacks" but I must point out that this is a matter in which personalities inevitably play a large part and have a bearing on "public principles."

It is not only a question of the Sardar's view that Mr. Nariman is not fit to be the leader of the Congress Assembly Party. It is also a question of whether Sardar Vallabhbhai Patel himself is fit to be a leader of anything or anybody.

I am not, here, expressing any personal opinion. But that is the grave issue involved.

Whatever there is to be said or the letter of which Mr. Nariman complains, the mere fact that it appeared over the signature of "several cultured, educated and prominent citizens," to use Mr. Nariman's own words, should have some significance. At least it helps us to realise what cultured, educated and prominent people are thinking. In my opinion no editor would be justified in ignoring such a communication. I read it very carefully and with some excisions decided that it must be published.

I have not known in all my experience any matter that has more seriously stirred the people of Bombay than this controversy and no public journal is entitled to ignore it.

If a tribunal is appointed the "Sentinel" will certainly, from that moment suspend controversy if the leaders also do so.

In the meanwhile, it is not in the power of anyone, to end this controversy either by appeals or injunctions.

**MANLINESS IS AT DISCOUNT IN CONGRESS.**

**From: S. N. Modak.**

The manliness of Mr. Nariman in public affairs since his Development Department historical episode is well-known to public. This peculiar quality is adored by public, but is abhorred by incompetents assuming the role of National Liberators.

Mr. Nariman, it seems, tried to his utmost to put his case for amicable settlement by the Congress Working Committee with

tolerance and agreed for tribunal decision being pressed down by others at Wardha. Encouraged by the magic efforts of Wardha atmosphere Mr. Vallabhbhai in order to belittle the public support to Mr. Nariman, hastily issued a statement humiliating to Mr. Nariman's reputation.

He thought that Mr. Nariman would yield to the advices and dictates of Congress Monks and Dadas in toto. His statement has, on the contrary, provoked his right sense of manliness in public affairs and he has given a proper reply. This unsubmissive character of Mr. Nariman is coming in the way of his raising his sphere of responsible activity for India.

His nature is similar to that of the late Vithalbhai Patel, the true son of India. He is, therefore, treated similarly by Mr. Vallabhbhai at late Mr. Vithalbhai was treated by him.

Those who are not prepared to surrender their discretion, self-respect and fidelity are undesirables to the present custodians of Indian polity conducted through Congress and so they will never have a place in the Inner Circle. The past great personalities like Lala Lajpatrai, Vithalbhai Patel and other staunch nationalists suffered heavily for the same reason. Mr. Jamnadas Mehta, Jamnadas Dwarkadas, Horniman, Kelkar, Moonje, Aney, Malaviya suffer for the same reason of using their brains independently and not surrendering themselves to the dictates of Congress Gods. Congress is the sacred body of Indians but is in custody of Mahatma and his 'chelas' and, as plainly told to me in presence of Babu Rajendra Prasad by Mr. Vallabh-dada "Congress is Gandhi and Gandhi is Congress" in reply to my "Appeal to Indian Nationals." It is now proved reactionary.

In the statement of Mr. Vallabhbhai, he has stated that that approval of other members of the Congress Working Committee and that of Mahatmaji he had issued the first statement. This also reveals the true mentality of the Congress authorities.

Only persons hunting for self-interest and aggrandisement and playing in the hands of the enemies of India surrender their self-discretionary power to the Usurper. If Mr. Nariman is not prepared to do that he should independently apply his all for the cause of the Motherland or should prepare to purge out the miscreants holding the reins of Congress from the Indian polity. India and Indian public will support him in his quite manly activities of the kind in future.

## AN OPEN LETTER TO GANDHIJI.

From: A. F. S. Taleyarkhan.

Respected Sir,

I write this letter not so much as a Parsee, but as an Indian and above all, as one of that great public which is now thoroughly aroused over the untenable position regarding the Vallabhbhai-Nariman incident.

The very spirit of "sub judice" having been violated by Mr. Patel, it is only fitting that the whole matter should now be openly thrashed out, leaving the public to pass judgment. But as it is just possible that you may not be wholly aware of the great indignation aroused in Bombay, I am adding my humble protest to the hundreds of thousands that are to be heard on all sides.

One has come to look upon you as a seeker after truth, and one who would uproot anything in its finding. Your facile quotations from the eternal verities of all religions are only equalled by the dedication of your life to every worthy cause. And though at first sight it may seem a small matter that Nariman has been shelved, allow me to point out that the treatment he has received can only find a parallel in the blow that has thus been dealt at the right of minorities.

You have often talked of the security of minorities under the banner of Swaraj. But it now seems that Congress and true Swaraj are two totally different things. Not for one moment would intelligent opinion hold that all the people can be satisfied all the time. But Vallabhbhai must be told that all the people cannot be fooled any longer.

From all communities, from all sides, loud are the protestations that Bombay has been duped. When we went to the polls for Congress, the expression of our faith and favour was Nariman. It is the belief of Bombay that its interests would best be guarded by Nariman. In this belief there are thousands who are not Congressmen, and easily more non-Parsees than Parsees. For years we have chafed under the insult of misrepresentation in public and national life, but we were told that such treatment must be expected under the system of satanic domination and that the flower of Truth could only blossom from the seeds of Swaraj. Yet, at the first touch of Democracy the thorns of Dictatorship have appeared.

For years Nariman has served his city and his country. Nariman not only led the Congress, but he also commanded the respect of every true citizen, politics, notwithstanding. And allow me to point out, Sir, that this is something of a rarity in Indian political life today. If the same man has erred in the discharge of his national duty, the public has the right to judge of that error. His politics satisfy us, his character is spotless, his sacrifices are real.

If there is anything that is held against him, it is for us to judge whether he has let us down. Whether he has done anything that displeased Vallabhbhai is no concern of the public and Bombay cannot and will not take the word of Vallabhbhai against that of Nariman!

And now to the point, It is generally wished that you alone should deliver judgment. But whatever the procedure, I must ask you to remember that Bombay expects you to throw away all diplomacy, all politics, all strategy.

If you think that Vallabhbhai is bigger than Nariman, and that Congress is greater than both let me remind you that truth is greater than Congress.

#### OPEN LETTER TO JAWAHAR.

From: Mahammad A. Patel.

Dear Comrade,

I venture to address you on a subject as awful and interesting as any that had engaged the feelings of this suffering country, and since it is published in the "Bombay Sentinel" your conscience will at once tell you that I allude to the Nariman-Patel controversy, or shall I say the twentieth century Cain and Abel affair.

If I have understood you right, you aim at nothing else than establishment of a Socialist Republic in India or in the words of Abraham Lincoln: "A Government of the people, by the people, for the people" in India. But I put it to you, how are you going to do all that?

In spite of his quaffing the very bitter draught called Sacrifice, a man like Vir Nariman is broken down while malefactors are thriving at his expense. Look at the Bombay Congress Cabinet.

A man who had always been a subaltern to our Idol Nariman becomes a superior in the Ministry. The gentleman who at-



tends the High Court of Judicature at Bombay in defiance of the Congress commands on the 1st April is given the portfolio for Law and Order. A former anti-India Indian, I mean ex-Rao Bahadur Lathe is given a place in the Cabinet, while Vir Nariman who is entitled to Bombay's Premiership is not only deprived of that position, but he is shunned like the plague by the Vallabhian gang.

Don't tell us that you are not aware of the Bombay Cabinet personnel. Bombay suspects that you know everything and hence your rigid silence on this issue calls Bombay. If you only came down to Bombay and saw things for yourself I am sure you will be convinced within two hours that your trusted Vallabhbbhai has done more harm to the Indian National Congress than Lord Willingdon.

What a Viceroy could not do in five years your Zone Dictator has done within a few hours. You will find that Vallabhbbhai has not only struck at the roots of The Indian National Congress, he has commenced digging up its very foundation in this part of the country. Yet if you will it, you can save this our national institution. I think the spirits of the illustrious dead still participate in the concerns and cares of those who were dear to them in this transitory life, the ever dear and venerated shades of our departed leaders, Lajpatrai, Das, Ajmal Khan, Ansari, Mohamedali, and your worthy sire Motilalji are looking down with scrutiny upon your conduct. They expect you to protect the innocent lambs—I mean the Indian Minorities—from the ferocious wolves that may be in the Congress high command.

A brave son of India Vir Nariman was adopted by the Congress when it suited them, but to-day he has become a foundling at the Congress doors. Neither the Congress Cabinet nor the Parliamentary Board owns him and he is deserted.

In the name then, of the national institution which we have yet in common I appeal to you as the custodian of the rights of the Indian minorities to right the wrong done to our hero Nariman and give the "Other Devils Their Due."

**SARDAR THINKS SWARAJ HAS COME.**

From Seeyad Abdul Gafoor, Abdul Majid, Mahamadally, Sultan Ahmed, Abdul Fazal, Sultanally, Ismail Sakoon, Mahamedally Barodewalla, Shaikh Abdulla, Jan Mohamadi, Emambax Kaddarbax, Mastan Shadi, etc.

Up to this time only a few Muslims have taken part in the

Nariman-Patel burning controversy. We wish to publish a few lines in connection with this controversy.

We say that we have the right to give our opinion about this controversy as we have served the country under the Congress Flag by going to jails in 1920-21 and from 1929 to 31.

We had a high opinion for Vallabhbhai Patel up to the month of March 1937 but we regret to tell you that this high honour from our hearts has been removed by the conspiracy which Sardar has played against Vir Nariman.

Mr. Patel has unlawfully taken away the right of leadership from the hands of Nariman who has sacrificed everything at the altar of freedom. Mr. Patel by doing this act of injustice has not only insulted Mr. Nariman but has tried to insult the whole city.

Mahatma Gandhi is always talking of justice and Ram-Raj but that pure-hearted fellow knows very little about the injustice, and conspiracies played by the persons who always muster around him. At present Sardar and his selfish gang—thinking that Swaraj has already come to their hands—are acting like grand Fascist rulers.

If this is the preliminary lesson of Swaraj we can say that may Almighty keep us thousand miles away from it.

It is a well-known fact that the Bombay Cabinet is weaker and more stuffless than in any other of the six provinces. The cause of the weakness of the Bombay Cabinet is nothing but Vir Nariman's absence. And Mr. Patel is responsible for the weakness of the present Cabinet.

Congress President Pandit Jawaharlal is always giving assurances to Muslim masses of the country that their interests are safe under the Congress flag. But we do not understand why the same President is silent over the injustice done to Nariman by one of his colleagues, Mr. Patel.

Some members of the present Cabinet were highly absorbed in filling their pockets with money when Mr. Nariman was fighting at the front selflessly. Who does not know that Mr. Kher is a puppet leader? Who does not know that Mr. Munshi is a pakka opportunist? And every body knows about Dr. Gilder, Mr. Patil and Lathe.

Sardar Patel has used his Sardari in doing the public ill and we wish that he must correct his grave mistake as soon as possible.

ble. We wish that Vir Nariman will surely forgive Sardar Patel after his apology to him.

If this thing won't take place we are sure a grave danger is hanging on the political life of the country and Sardar Patel will be fully responsible for the consequences of this injustice.

We wish that huge propaganda should be created in the city and presidency to realize Sardar of his folly.

"IF THY RIGHT HAND OFFEND THEE CUT IT OFF".

From: F. B. Patel.

The time has now come to cast aside all sentimentality with regard to personalities, and to look at facts squarely in the face. Vallabhbhai has grossly abused the trust reposed in him by the Congress, and has committed a grave outrage on the conscience of the electorate, by discarding Nariman, the acknowledged leader of the public, who was chosen by the electorate with the largest number of votes.

The most lurid light has been thrown upon the true nature of Vallabhbhai by an old Congressman—Mr. Munchershaw Sorabji Bhungara—in a letter to the "Jame-Jamshed" of the 21st instant.

The question is how is it that notwithstanding the fact that the public has been crying aloud to Mahatma Gandhi and Pandit Jawaharlal Nehru for giving them justice, those two leaders, who are the heart and soul of the Congress, are conniving at the public outrage perpetrated by one in whom they have reposed so much authority in the Congress. This leads us furiously to think whether the trust we have reposed in the righteousness of the Mahatma and the Pandit Nehru, was really well placed or misplaced.

Mahatma Gandhi's life, we are told was largely influenced by the teachings of the Lord Christ, and he is said to be living for Truth alone. But Christ has ordained that "If thy right hand offend thee, cut it off and cast it from thee; for it is profitable for thee that one of thy members should perish, and not that thy whole body be cast into hell".

We have thus every right to demand of the Mahatma and Pandit Nehru also, that they should either prove to the satisfaction of the public that what Vallabhbhai has done is right, that Nariman was unfit for Premiership, or Ministership in the Assembly, and that the electorate have misused their privilege in

voting him to the top, or they should acknowledge that Vallabh-bhai and his henchmen are guilty of an intrigue against Nariman, and as such they have disgraced the Congress, and that therefore they should be hounded out of the Congress ignominiously, rather than let the whole body, that is the Congress be cast into hell.

If the Mahatma fails to do this simple act of justice, we shall be convinced that our trust in him was utterly misplaced.

Pandit Nehru has by his autobiography given us the impression that he has dedicated his life to fight injustice and oppression wherever it may be, but if at this crucial moment, he fails to do justice, merely to save the face of this man Vallabhbhai, we will learn with a heart-ache that even the Pandit cannot be trusted to uphold justice any longer.

Neither the Mahatma nor the Pandit can thereafter blame the minority communities if they come to the only conclusion that it is far more safer to trust the British than any of their own countrymen, whoever he may be.

What is the earthly use of franchise if the will of the electorate can be trampled upon with impunity by any unscrupulous dictator? In no circumstances could we have dictatorship in this country. It is wrong in principle, and it can never work in a country where the question of the rights of minorities is always staring us in the face.

#### STORM THE ASSEMBLY ON NARIMAN ISSUE.

Dear Mr. "Bombay Sentinel" edittar.

The following letter is published unedited and shows that even the impadement of lack of correct English does not prevent them from expressing themselves on the Nariman controversy:—  
Dear Mr. "Bombay Sentinel" editar.

Please pardon my bad English as I learn upto only three standerd and no farther study after 1917, but what is all these noises about Sardar Patell and K. F. Nariman Esquire.

Piple say our Nariman is chucked from Bombay Kabinat making place for one Mr. Kher and farther Valabbhoy playing trick on Nariman and Nariman bowing low to Valabbhoy for fear. Congress command paint Valabbhoy wite and Nariman bilack, and you paint Nariman wite and Valabbhoy bilack. I take your side bicos you always take side poor and weck, and Bombay piple oblige you for your selfless service.

Now I spik that many many letters have come in your famouse Paper demanding justice from Congress Othority, but it is slipping and no waking. Is no way to find out how Congress command made tramble by Bombay voice? Piple rite and rite but no action how long this goes on can not understand. My poorman's opinion is call a meeting of Bombay piples of all varaties then march pisfully to assembly house, ask Kher to empty his place and put Nariman instade. Then march to Wardha tell Gandhiji Valabbhoy not sit in Congress Command, and promise to give old age pansion to Valabbhoy if he pisfully retires to Bardoli. But I now hear that Nariman is so gabrified by Vallabbhoy to so much extant that he likes to remain a whipped dog when formerly he was roring lion of Bombay. This is no trust-worthy world. You back a man but he slides away in teror, and the result comes that Valabbhoy goes unpunished for bed actions and Nariman punishes his ownself for no bad actions, and whole Bombay yawning wide at Nariman's puslamity. Great honor to you, Mr. edittar, that you keep up kontroversy, and do not cry holt till justice is got in full.

Yours greatlyfully,

Mahomedali Essabhoy Kachwalla.

### COMPROMISE WILL HARM CONGRESS.

From: F. B. Patell.

Those who have come forward to advise the public to desist from carrying on the Nariman-Patel agitation do not seem to realise the extent of harm they would be doing to the Congress itself and to the political life of this country by adopting such a course.

Let us examine the question in all its implications.

Firstly:—It is now quite plain that the issue is between the electorate and the Congress command.

Why was it that the electorate voted solidly for all candidates who stood on the Congress ticket in preference to those belonging to other parties? It was simply in the hope they would thereby be sending to the Assembly really honest, conscientious, and capable persons. But in this the electorate has been thoroughly deceived. Firstly because their most favourite, tried and trusted leader has been cast aside, as if he were worthless, and secondly because some of those who took part in this underhand game, and have consequently forfeited the confidence of the public have become Ministers. Thus the electorate has been doubly cheated.

We were discontented with the Government as it was carried on by the British Bureaucrats, and we wanted Self-Government. But what have we really got? We now find to our dismay that we have substituted the rule of the British bureaucrats, by that of a dictator like Vallabhbhai. Surely the British bureaucrats must be laughing us to scorn over our achievement. To stop this agitation would therefore imply that we are prepared to be governed by this man Vallabhbhai even in spite of ourselves.

Secondly:—Mahatma Gandhi and Pandit Nehru have now ceased to inspire confidence in the public as persons incapable of doing or allowing any thing wrong; and if we stop this agitation it would mean that we are willing to surrender to their dictation even against our conscience.

Thirdly:—What we want in this country is democracy. But we are faced with the most naked autocracy. Pandit Nehru spoke at Allahabad only four days back—"I do not want Congress Raj, but People's Raj". But one wonders if the Pandit was speaking with his tongue in his cheek. For it is the same Pandit who told Nariman that—"As regards your demand for an impartial judicial tribunal other than the Working Committee, you know my view about such a demand. I thought it wrong on your part and improper for a Congressman to make it."

The Pandit would not tolerate the idea of any judicial tribunal sitting over judgment on the heaven-born Working Committee, notwithstanding that the clear verdict of the people of Bombay was against them.

This is what the Pandit wants us to believe as the "People's Raj". To stop this agitation would therefore mean that we are prepared to be governed according to the dictates of the Congress command, and are willing to trample upon our sense of justice and fair-play, and even our very conscience.

Fourthly:—We are told that this agitation is doing harm to the Congress movement. May I ask if there is any sane man who really believes that an irreparable harm has not already been done to the Congress? And if experience has taught us that there is something rotten at the very core of this National Institution, would we be rendering a service to it by conniving at it? Certainly not. If the prestige and honour of the National Congress are to be made unassailable, this agitation must continue and take shape, till this outrageous wrong is undone, and

the Congress is purged of all self-seekers, and is made a truly democratic institution.

Fifthly:—As our object is not only to undo this wrong, but to make such an outrage on the will of the electorate impossible in the future, not only should we carry on this agitation, but we must make it a solemn duty to teach a lesson in democracy to the Working Committee and to all self-seekers in the Congress, at the next election—be it Municipal or Provincial—and prove to them that in all matters it is the people's voice that will always prevail.

## NARIMAN NOT RESPONSIBLE FOR PRESS AGITATION.

From Jakir Husein.

Several of your readers have opined on this heart-rending public scandal and I should not have put in any further accentuation except for the reason that one subtle point in Mahatma Gandhi's statement has escaped publicity. We are buoyed up with the assurance that in the event of his finding that unfair means have been employed to determine the leadership of the Congress Party in Bombay to the disadvantage of Mr. Nariman, he will 'undo' the wrong. That in itself is very helpful but he assumes a menacing attitude towards Mr. Nariman inasmuch as he goes to declare that if the upshot of his deliberations is adverse to him he shall have him (Mr. Nariman) to surrender to his now "Inimical" colleague with apologies and the rest.

That the statement savours of bias and ill-judged prejudice against Mr. Nariman is glaringly evident for Mahatmaji does not hold out the same plan of public amends to Sardar Vallabhbhai; he only promises to 'undo' the wrong and rectify matters but no public apology from Vallabhbhai is conceived.

After all why should Vir Nariman submit a public apology for he cannot in any measure be held responsible for the voluminous press agitation that has taken place. It was a few days before the election of the Congress leader in Bombay that the "Sentinel" came out with its revelations of the foul undercurrents at play in the Bombay Congress—and the "Sentinel" had apparently adequately felt the pulse well for the predictions to overthrow Mr. Nariman came true on the appointed day. How on earth can either Vallabhbhai or Nariman be held responsible for the press agitation or public opinion Vallabhbhai has had his support from communal papers which pander to the perverted and clannish part of the public.

Gujarati, Marathi and Parsi as well as reputable English papers of the standard of "Sentinel" called for enquiry into the case—Nariman had been issuing statements upon statements to stop the acrimony but the press and public of its own accord determined to see it through. That Gandhiji should talk of an apology being given by Nariman for the harm that has come to the Congress by the press agitation is astounding and ridiculous.

After all one cannot forget that "Mahatma" he may be, and India's proud spokesman, yet he is human and at certain moments likely to be swayed by the partial counsels of his assistants. 'Mahamatji' often quotes the Bible for righteousness of behaviour and has been likened to Christ in his soul-fight for the masses,—yet he has faltered in the discharge of elementary justice to Mr. Nariman and has surrendered the human part of himself to human weaknesses in common with the failings of common men.

#### VITRIOLIC ATTACK ON BOMBAY ARISES FROM FAILURE TO ESTABLISH DICTATORSHIP OVER CITY.

From: G. Y. Chitnis.

Dear Sardarji,

You will hardly be surprised at the widespread resentment caused by your speech at Mandvi; apart from its inherent rudeness, which is not expected from a follower of Mahatma Gandhi, they are terribly unjust.

When you question Bombay's loyalty to the Congress, what you really mean is that Bombay is not loyal to you.

This proud city has shown you in a most unmistakable manner that it does not approve of the high-handed methods you adopted in the choice of the Leader of the Congress Legislative party and of the Congress Ministry in Bombay. When therefore you charge the citizens of Bombay with disloyalty, you are yourself being disloyal to the best traditions of the Congress which Bombay has done so much during the last fifty years to build up.

Exactly ten years have passed since I had the first occasion to cross swords with you in Ahmedabad which I had visited in 1927 in connection with Gujarat relief work. My letters of protest against you were ignored by the entire nationalist press in Bombay with the single, honourable exception of the "Indian National Herald" which was edited by Mr. B. G. Horniman.



When Mr. Brelvi visited Ahmedabad along with Mr. Vaidkuntha Mehta I had taken them to a neighbouring village to prove the truth of my statements. Mr. Brelvi promised to write about it in the "Bombay Chronicle." But when he came to Bombay he forgot all about it. As a loyal Congressman, no doubt he thought it more advisable to ignore the whole affair. I can understand that Mr. Brelvi's silence was due to his extremely sincere loyalty to a leader of the Congress.

This is merely a small incident but bears a striking resemblance to the recent efforts that have been made to muzzle the press in Bombay in regard to Nariman affair.

That you did not entirely succeed in muzzling the press is not your fault; because some public spirited journalists and politicians have championed the cause of Mr. Nariman and because you have seen that from a strictly moral point of view you have lost the game, you are now losing your temper also and venting your spleen upon the thousands who come to hear you out of their loyalty to the Congress.

If Gujerat has been fed upon the saintly leadership of Mahatma Gandhi and we in Bombay have been "fed upon the gutter pipe water" you must yourself be excluded from Gujerat, because there was nothing saintly about your arrogant speech.

If you had really and truly lived in such close and intimate contact with Mahatma Gandhi during the last twenty years, as you imply, how is it that you have not yet imbibed one hundredth part of the innate courtesy and humility of Mahatma Gandhi? Is it possible that you have been fed exactly upon holy water?

As to Mahatma Gandhi, during the last seven years of my political life in this country, I have come more and more to believe implicitly in his sincerity of purpose; but although I believe in his sincerity. I do not believe in his philosophy of life and I have a shrewd suspicion that you do not believe in it either; you seem to have made Mahatma Gandhi a peg to hang your leadership upon: because thanks to the Mahatma you have been taken, out of your parochial moorings in the Ahmedabad municipality and made into an all-India leader.

Not that I do not appreciate your spirit of self-sacrifice. You have given up your lucrative practice at the Ahmedabad bar to serve the cause of the country a line of conduct that few can imitate; but do not forget that in proportion to your self-sacrifice you have gained in public importance and next to

Gandhiji your word is a law to Congressmen. That in itself is not a small reward but do not for heaven's sake abuse it.

I am told that you have more and more come to believe in power politics; but I ask you in all sincerity, can we who are slaves in our own country talk of power politics except as a pastime?

Of course you have appointed a prime minister in Bombay whom you have described as a jewel which he certainly is, but let this jewel say or do anything to displease you and then we shall hear a different opinion from you. If the Hon. Mr. Kher is what I take him to be, that eventually is not far off. You have also appointed your own men in the Bombay Cabinet who are quite prepared to do your bidding. But is this power politics that you are playing at?

You accuse us of disloyalty to the Congress. As a professed loyal Congressman you are committed to the pledge of winning complete independence. In spite of the fact that you have been at the helm of affairs during the last seventeen years we are no nearer the goal than we were in 1920, although you promised along with Mahatma Gandhi "Swaraj within one year."

You will retort, I know, by saying that it is precisely because of our disloyalty that you could not do what you promised to do. It is only in India that in the event of a setback the leaders blame the followers, whereas it is the leaders like you who ought to be condemned as being unworthy to lead a national movement.

Nowhere in the history of the world has a great movement failed in its objective because of the disloyalty of the general mass of people. The movement has always failed because of the inefficiency of the leaders. Many of us know this and that is why our attitude has become critical of Congress leadership. In your general ignorance of things you merely mistake our criticism for disloyalty. "Do not criticise but implicitly obey" seems to be your slogan. We are willing to obey and even cease criticising but we have a right to know where you are taking us.

After having turned Mahatma Gandhi as a convenient weapon of defence, you are seeking today to turn the entire activity of the Congress into parliamentary channel.

**BOMBAY PREFERS "GUTTER WATER".**

**From: Adi K. Munshi.**

Sardar Vallabhbhai is hopelessly desperate. He is suffering from disease "Desperendum." The cause of the disease is that

so far he has been looking upon himself as Sarkar Vallabhbhai—Sarkar ma bap—whose will should be the law, but now he finds that he is about to lose his political influence for all times.

The remedy for this disease has not been so far discovered though some temporary relief can be found in the wild vituperation against Bombay and Bombayites.

Bombay is fed on gutter water and the Sardar must therefore, be avoiding it and perhaps taking some other drinks. To improve the dirty water of Bombay our City Fathers should immediately appoint him as the Municipal Hydraulic Engineer.

It would be of interest to know if the members of the Bombay Ministry avoid the gutter water of Bombay. The handful of supporters of the Sardar, including the Editor of the solitary paper supporting the Sardar must be avoiding the gutter water not only as a means of drink, but looking upon it as an element of untouchability, must be avoiding it even as a means to clean their clothes and utensils.

Leaving the amusing aspect of the Sardar's wrath against Bombay aside, I may say that if after being "fed for the last twenty years on the saintly leadership of Mahatma Gandhi", it is to be Vallabhbhai Patel or his like; and if after being "fed on gutter pipe water of Bombay," it is to be Khorsed Nariman or his like, then any sane man would like to be the latter.

Any sane man in the world would prefer to dive deep and often into the 'gutter pipe water' of Bombay than to be floating on the type of water represented by Sardar.

### ARROGANT DICTATOR CREATES CRISIS.

From: Vinayak Mehta, in "Roy's Weekly."

"This sore has eaten into the very vitals of our public life. It is very difficult to find out a remedy. Bombay is rapidly sinking—and yet it used to be in the forefront. It is now too late even to undo the wrong."

In those words a political leader unburdened to me the unfortunate catastrophe—it is nothing less than that—of the foremost and the best known political leader of Bombay having been kept out of the Bombay Congress Ministry—let alone the Prime Ministership. It was against what Gandhiji would call 'truth' to have kept out Mr. Nariman, the popular leader. Whoever did that has done a wrong for which the entire Presidency is paying.

For this injustice has soured many a heart. Sardar Patel is marked out as the vile perpetrator of this deep wrong. Sardar Patel, smarting under the lashes of the public, has lost his temper and speaks of Bombay being fed on gutter water. The wound is thus kept sore. It will, I fear, never heal. And in this personal virulence no one is safe, not even the sacred person of Gandhiji. The moment Mr. Nariman's case is mentioned, people turn up the nose even against the Mahatma: "He is, after all, a man. He may go to fast perhaps—but he has failed Bombay at a crisis."

I consider this unfortunate, because while other Provinces have released their political prisoners, Bombay is holding back. It imitates in this respect, Bengal, and not Madras or even the little North-West Frontier Province. Why? The answer is plain.—the shadow of 'untruth' is in the corridors of the Ministry. Perhaps the guilty feeling is haunting—"Can we release the mighty agitators now in prison or outside the presidency only to add more virulence to this agitation?" That may be the feeling of the Ministry. Bombay has not done its duty. Bombay has gone back on the Congress pledge of releasing political prisoners—even prisoners convicted of violent crime, as Pandit Jawaharlal Nehru says.

To now include Mr. Nariman in the Ministry would be, I suppose, a blow to the prestige of the "Zone Dictator", as Sardar Patel is called. Even if it is offered, I doubt whether Mr. Nariman would care to accept it as a concession to an agitation in which he has had no part. The only individual in fact whose conduct during the controversy has been high and unerring is that of Mr. Nariman. I wish the same could be said of the "Zone Dictator." He has been the cause of dirtying the prestige of the Congress in the Gateway of India.

And yet there was no reason why the Bombay Ministry should not have fallen to the work of carrying out the election pledge with the zest and faith of other provinces. There is no reason why to the onlooker, the impression should be ever present that something is very rotten in the Bombay Congress fold. "Mud is slung in the public press and gutter water is added by Sardar Patel to the stinking mud. The time has come for Gandhiji to interfere, if it is yet possible. Bombay must settle down to work. Bombay must outlive the reputation, it is in danger of possessing as the province where the Congress Ministry floundered.

I make no secret of the fact that the rot is seriously spreading. "Oh, Gandhiji is swinging back to Liberalism—" one said to me. "Did you not read his comment on the public welcome to Kakori prisoners and Jawaharlal's reply to it? That shows the way the wind blows. Very soon we have to look to some other quarter for real Indian opinion—not to the Congress, darkened by the shadows of Patel and Gandhiji."

That is a terrible way of looking at the events of the day. Let this be stopped at once.

## *Nariman's Apology & Working Committee Resolution.*

### TRUTH DETHRONED.

Editorial from: "Bombay Sentinel".

Mahatma Gandhi in his brief statement, releasing for publication Mr. Nariman's letter of apology and complete self-effacement from the public life of Bombay, ends with a note of congratulations, for what one should consider the happy termination of the whole nauseous business.

Gandhiji congratulates Mr. Nariman "upon his thoughtful and whole-hearted confession" of his "neglect of duty" four years previously, and Mr. Bahadurji for having shared the labours of writing the judgment.

As we have already pointed out, the judgment is based on one-sided, untested, uncorroborated statements. A court of law can, and will, never make use of such evidence even for hanging a dog.

But curiously enough Gandhiji and Mr. Bahadurji, both experienced and noted lawyers, consider it enough on which to base their judgment, condemn a man and hound him out of public life of Bombay!

The public who have taken a very keen and ever-increasing part in this controversy have a right to know whether such a drastic step is in their interests, and whether, apart from his being a Congressman, it is proper for Mr. Nariman to adopt such a course to save the prestige of a Congress leader of the type of the Sardar, who will brook no opposition to his will.

It is curious that Gandhiji himself admitted to the Committee of Bombay citizens, who went to Shegaon to interview him, that, in no case could, the events which took place in 1934 form a part of the indictment against Mr. Nariman.

Gandhiji told the Committee "that he was concerned solely with the question whether the election of Mr. Kher was democratic, or whether Sardar Vallabhbhai Patel had interfered with the legitimate process of democratic election," as Dr. Chitnis clearly explains in his letter.

Yet only a few days after there is a complete "volte face," and what was certainly a forgotten incident is magnified out of all proportion for condemning Mr. Nariman and blasting his political career.

The real question, "whether the election of Mr. Kher was democratic, or whether the Sardar had interfered with the legitimate process of democratic election" is altogether forgotten, if not side-tracked and only incidentally, or cursorily, mentioned, and apparently not much importance is attached to it either by Mr. Bahadurji or the Mahatma.

It is this, more than anything else, which intrigues the public and makes them think that everything is not what they are asked to believe.

It has to be noted that a grave public principle is involved in this controversy, that personalities do not much matter, and nothing but facts and a full and frank statement can convince the public that everything is well with the Congress affairs.

The matter cannot be settled so easily as Gandhiji imagines. The public have to be convinced that Mr. Nariman is really guilty of a grave neglect of duty, that he sadly betrayed the Congress cause in 1934, and that the election of the Assembly leader in 1937 was not only democratic, but was not interfered with by the Sardar or anybody else for that matter.

These points have yet to be answered and so long as they are not, the public will have to agitate in the matter. It is absurd to expect the public to be satisfied either with Gandhiji's covering note, in which he expresses himself fully pleased with the lame end of the affair, or the withdrawal of Mr. Nariman from the public life of Bombay.

The public or the Press of Bombay are not concerned with mere personalities, but with important democratic principles we must repeat, which cannot be easily brushed aside.

The only course left open to Mahatma Gandhi is either to publish the judgment of Bahadurji, with his concurring note, or lay before the public the evidence on which that judgment is based. At any rate, the public should know that the evidence on which Mr. Nariman has been driven out of public life is irrefutable and unprejudiced.

Until and unless such a step is taken the public will continue to nurse their legitimate grievances and believe that they have not been fairly treated.

What Gandhiji seems to forget is that a large number of Congressmen in this very City are perturbed at the grave state of affairs in the Congress, and something has to be done to reassure them that the Congress leaders are alive to their duty.

He should take the public into his confidence and tell them frankly how matters stand, instead of mystifying them with statements and judgments to which no person, in his senses, will, or can, attach the slightest importance knowing full well the history of the whole case.

It is not only justice that has been flouted. Truth has been dethroned by all this mystery and subterfuge.

Does the Mahatma no longer stand for Truth?

#### MEAN POLITICAL MURDER.

**From: M. S. Patel.**

..“Meanest Political Murder” is how I characterise the censure of Mr. Nariman by the Congress Working Committee. By censuring him, it has stultified itself. Our worst fears have been confirmed that the plot to oust Mr. Nariman was most cleverly conceived, that the ears of the members of the Committee including Pandit Jawaharlal and of Gandhiji had long back been poisoned and the execution of the plot in all its details has had the fullest sanction of the above worthies, all the while the people were anticipating that Nariman’s election to the leadership of the Congress Party in Legislature would be the natural corollary.

This is clear from the full judgment now published and this explains the surprising Sphinx like silence of Gandhiji, Jawaharlal and the Working Committee for months together in spite of scores of open letters and memorials. Having lent their ears to wicked insinuations against Mr. Nariman and behind his back, they sanctioned the execution of the plot and further they have

taken unworthy advantage of studied silence of Mr. Nariman who, believing in the ultimate triumph of justice, did not wash the dirty linen of Congress politics and try to blackmail him.

There cannot be the least justification for the cruel resolution of the Working Committee. Is it the province of the Working Committee to damn Mr. Nariman as being unworthy of occupying a position of trust in Congress or is it of the public whose mouth-piece the Working Committee is never tired of claiming the Congress is? People in Bombay have known Mr. Nariman through and through and scores of such censures from the Working Committee cannot shake an iota of the people's faith in him.

Is the Working Committee aware of it? If being aware of it, they have passed the resolution, it is the meanest depth of vindictiveness. If they think that by damning Nariman as they have done, they have succeeded in wrecking his political career, which seems to be the chief purpose of the resolution, the citizens of Bombay will demonstrate to them that they are grossly mistaken.

Gandhiji says that Mr. Nariman miscalculated his hold over the M.L.A.'s. If the ears of these M.L.A.'s had not been poisoned by their provincial leaders and if they had the courage of their convictions and had not been led by their ears, Gandhiji would have seen that Mr. Nariman was not mistaken and his election as sure as that of Rajaji or G. B. Pant or any other Premier.

The full judgment has now made it clear that the election of Mr. Kher at the meeting was mockery, pure and simple. Gandhiji again says that Bombay City is not the Presidency; but can he explain what there is for the M.L.A.'s to prefer Kher to Nariman? Gandhiji might be Mahatma but his reasoning is as unconvincing as his having attributed the Bihar earthquake to untouchability! Is this another of Gandhiji's Himalayan Blunders that he has been instrumental in getting such a resolution passed by the Working Committee against Mr. Nariman whose record of long years of service and sacrifice in the cause of Congress and country has few parallels?

What is the reaction to all this by the citizens of Bombay, particularly the students, whom Mr. Nariman has so zealously and well served all these years? Will the Youth League and the Students' Brotherhood as also other organisations take up



the challenge of the Working Committee in right earnest and arrange immediately for processions and meetings for protesting against the Working Committee resolution and for tendering sympathies to Mr. Nariman as also for reaffirming our faith in him?

## TRAVESTY OF JUSTICE.

Editorial from Bombay Sentinel.

After Gandhiji's definite assurance to the Bombay Citizens' Committee that Mr. K. P. Nariman's case would not be prejudiced by the events which took place in 1931, it is as amazing as it is dishonest that the main part of his and Mr. Bahadurji's judgment should be devoted to the events which took place in that year.

We fail to appreciate their importance or relevance.

Since then Mr. Nariman has held positions of trust and importance in the Congress. Not only was he the Chairman of the Reception Committee of the Bombay Congress, but he was a member of the Congress Cabinet—Gandhiji says that the latter position was due to his personal influence.

After this it is rather extraordinary that both Gandhiji and the Congress Working Committee, should have passed a vote of public censure on him declaring him as untrustworthy to hold offices in the Congress organisation as a result of a perfunctory investigation on a charge which there is no attempt to prove as originally formulated.

To call this a "judicial finding," as Gandhiji has the presumption to do, is an amazing perversion of facts and terms. It could be better termed a travesty of justice.

The attitude of the Working Committee, it must be frankly stated, is not only unjust and unfair, but cruel and vindictive. Mr. Nariman's loyalty to the cause of the Congress, his services to the public, long before Pundit Jawaharlal Nehru was known, —all his sacrifices are too well-known to the people of Bombay, for them to submit to this ban solemnly declared on him by the Grand Punjandrum of the Congress.

Mr. Nariman's vacillation has afforded much ground to his enemies in the Congress, and a stronger man would, undoubtedly, have taken up an altogether different attitude. But that does not minimise the wrong perpetrated on him.

Since we are not in possession of the full facts, we can only rely on the "judgment" or report of Mr. Bahadurji and Gandhiji's note annexed to that document. They are quite sufficient for our purpose.

Those who read Mr. Bahadurji's "judgment" must, at once, come to the conclusion that it has no legal value whatever. But it shows that from the beginning the Sardar and the three self-styled "leaders" were working against Mr. Nariman and influencing the judgment of the legislators against him. There is evidence in the judgment that Messrs. Deshpande, Deo and Patwardhan did prejudice the legislators and they begged almost on their knees of Mr. Kher that he should accept the leadership, possibly, to save their faces by excluding Mr. Nariman.

The only person who comes scatheless out of the whole wretched and very sorry controversy is Mr. Kher, who was not at all anxious to take up the leadership for reasons which do him great credit. That cannot be said of the other figures, who played such an important part in this affair.

It is deplorable that Gandhiji, and with him Mr. Bahadurji, should have deliberately clouded the real issue by attaching undue importance to the events which took place in 1934, though many things have happened since then to re-establish Mr. Nariman in the confidence of the Working Committee and the country,—even granting that he was guilty of an indiscretion.

There is no doubt whatever that, after the intensive propaganda carried on against Mr. Nariman by the three "leaders" of Maharashtra and Karnatak, the legislators were bound to vote against him, particularly when these three men and the Dictator had already fixed on Mr. Kher as the future leader of the Assembly.

This much is evident from the "judgment" of Mr. Bahadurji. It does not matter whether the Sardar carried on open propaganda against him; it was unnecessary, for he could always call on Messrs. Deshpande, Deo and Patwardhan to do that unenviable work. There can be no doubt that they did their part of the work so well that Mr. Nariman had not the ghost of a chance against Mr. Kher, all opposition having been conquered.

It is curious that after the public denial of these "leaders" that they had nothing whatever to do with the elections, that they carried on no propaganda against Mr. Nariman,—they

ld confess to Mr. Bahadurji that they fixed on Mr. Kher the future leader of Maharashtra, since Sardar Patel was not going to accept the crown which they had dutifully offered first.

Gandhiji and the Pundit were from the very first privy to this, for they approved of the name of Mr. Kher when it was suggested to them at Wardha. The trio moved heaven and earth to elect Mr. Kher and to influence the legislators from Maharashtra and Karnatak in his favour and against Mr. Nariman.

It passes one's understanding that they should have done this on their own responsibility, without the guiding hand of the Sardar who himself had the strongest objections against Mr. Nariman from the very beginning.

Those, who read carefully Mr. Bahadurji's findings on this matter, will, at once, come to a decision contrary to that arrived at by him, and for very obvious reasons.

The whole thing can leave but one impression on an impartial mind—that the three "leaders" played a very important and sinister part in this dirty business, and they could not possibly have done it on their own initiative.

It is clear that, after securing the formal approval of Gandhiji and the Congress President, the three "leaders" worked on the minds of the legislators to the prejudice of Mr. Nariman and got from them the formal verdict they wanted.

In these circumstances, it is monstrous travesty of fact to say that the election of the leader was freely made and that Mr. Kher was the unanimous choice of the legislators.

From the very beginning Gandhiji has shown himself greatly prejudiced against Mr. Nariman and in favour of the Sardar, and we must say that this is not a state of mind conducive to a cool, honest and unprejudiced judgment in the Nariman affair.

In view of the part played by Gandhiji and the Pundit, we are not surprised at their vindictive attitude, which is manifest in the vote of censure passed by the Working Committee at the dictation of Gandhiji, declaring Mr. Nariman as unfit for holding any more offices in the Congress.

We must emphatically say that it is the Congress which will lose by hounding a man of Mr. Nariman's type out of the organisation; that the public of Bombay have the fullest confidence

in him, his honesty of purpose, his loyalty to the public cause, his singular patriotism and life of service,—whatever these Congress leaders may say and do to the contrary.

One word more. From the beginning we have maintained that it was impossible for Mr. Nariman to get justice from the Congress hierarchy or from Mahatma Gandhi.

Our words have been more than fully justified in the event. It is no pleasure to have to say so, but it is the fact. And the moral of it is plain.

## *The Judgment.*

### IS IT JUSTICE OR VENOM?

**From: Sohrab B. D. Banaji, Bar.-at-Law.**

Did Nariman really deserve such cruel and heartless punishment at the hands of the Mahatma? If so, for what offence?

Can a high soul, like that of the Mahatma, be so cruel, heartless and merciless as to inflict such unjust harsh punishment on Nariman?

Does the punishment show real justice or simply venom?

In Nariman's case, of which we have heard so much, there were only two issues to be decided upon:—

First:—Nariman's conduct regarding the Assembly Election of 1934.

The second issue was, whether the Chief Minister's appointment was made without any undue influence being brought upon the Legislators and without any preconceived plot to oust Nariman. In plain language the issue was whether Mr. Kher's nomination as Chief Minister was the act of free will of 92 Assembly members, and whether Mr. Kher was selected as Chief Minister only on the very day of election, without the least interference on the part of Messrs. Vallabhbhai Patel, Deshpande Deo and Patwardhan.

On the second issue of Mr. Kher's nomination as Chief Minister any same man can see from the very judgment of Mr. Bahadurji, that the second issue goes entirely in favour of Mr. Nariman without the least doubt. One has simply to look into the evidence discussed in the said judgment of Mr. Bahadurji and it can be clearly seen from the judgment and evidence therein, that there was not only influence brought upon

the legislators, but that there was a regular propaganda carried on and sinister plot arranged by the trio from Maharashtra and Karnatak with the help and sanction of Mr. Vallabhbhai Patel, days before the election to oust Nariman from the Congress Cabinet. But I am not at present, dealing with that issue at this stage.

Let us now deal with the first issue, viz., that of Nariman's behaviour during the Assembly election matter of 1934.

In spite of all our admiration and affection for Nariman, it must be said at the very outset, that Nariman's behaviour during the Assembly Election of 1934 was really queer. He really deserves to be chastised for his conduct on that occasion. No one doubts the truthfulness of the evidence led against Nariman in respect of his attitude in 1934. If he did not want to stand for the Assembly, and if he had his eye on the Mayoralty of Bombay, he ought to have said so plainly to the Congress Officials and asked them to select their own man for the Assembly. His dilly-dallying in the matter, and the way in which he behaved towards the Congress Officials, was hardly befitting the conduct of a straight clean fighter. In spite of all our affection and admiration for Nariman, we cannot accept his explanation and his defence, so far as the election nomination was concerned.

Now the whole question that has been agitating the Bombay public and thousands of men throughout the Bombay Presidency, is this, viz., whether Mr. Gandhi—the apostle of truth—has acted fairly and justly towards Nariman, by inflicting such a cruel, heartless and merciless punishment on him. Looking to the offence, of which Nariman has been found guilty, the question is whether he deserved the punishment which has been meted out to him at the hands of Mahatma?

The very judgment shows that Nariman was found guilty of gross negligence. No one doubts the truthfulness of the evidence led on the subject, and we must admit that great blame lies with Nariman for playing such a weak part in the said election matter. But the whole question which has been stirring the public is, whether it was right for a great soul like the Mahatma to have come forward to crush the very life of Nariman, and mar the entire career of a man of Nariman's type and calibre for a single fault of his, which was after all not so very grave and unpardonable. It is exactly like inflicting capital sentence, while the accused person was found guilty of mere simple hurt. Mr. Gandhi seems to have lost all balance of mind in inflicting

such unheard of severe punishment on Nariman. While passing the sentence Mr. Gandhi seems to have forgotten entirely various valuable services rendered by Nariman during all these years in the cause of his country. Nariman's immense sacrifice, Mr. Gandhi will have to admit, was of a very high order. There is no charge against Nariman that he had accepted bribes, or that he was guilty of Criminal Misappropriation or Breach of Trust in respect of moneys belonging to the Congress or the Public.

Looking to the language in which the confession is written, it is quite evident that Mr. Gandhi seems to have determined to lower Nariman in the eyes of his numerous admirers and the public. It is openly talked about that Nariman's widespread popularity not only in Bombay but in the whole of the Presidency was the cause for some high-placed people surrounding Mr. Gandhi.

When Nariman's confession was published, the public was unable to understand at first, that the judgment delivered by Mr. Bahadurji was much blacker than Nariman's confession, and that it must be very damnable as otherwise Nariman would not have made such a humiliating confession. But now it transpires after reading the judgment that the confession made by Nariman is four times blacker than the judgment itself. It was also after Nariman's recantation of his confession that the Public came to know, that the confession was actually drafted by Mr. Gandhi, in his usual style, and finally it was submitted to Nariman to be signed by him. It is indeed a matter of great pity, and a fact to be lamented, that a man of Gandhiji's type and personality—such a highly developed soul—should come forward and deal such crushing a blow, as to mar the entire career of a Congress worker like Mr. Nariman, forgetting all the life-long work, and the great sacrifice, and various services rendered by the one time Idol of Bombay.

There are two more points in the case worth being noted. First the Assembly Election took place in 1934, just three years ago and Nariman was not impeached, then by the Congress Authorities. No notice was taken of his strange conduct and no action was taken against him in the matter of the election. On the contrary he was allowed to hold various high offices and positions in the Congress in spite of his conduct in 1934.

Secondly:—Any one can safely ask if Vallabhbhai Patel and Mr. Gandhi would have taken the same serious view about

Nariman's conduct in 1934, if Mr. Munshi had been successful in the Assembly Election.

Lastly I must say a word on Nariman's confession. I sincerely believe that those who have implicit faith in Mighty Nature those who fear God and believe in His supreme justice will never kneel down before an ordinary human being—whosoever he may be—and especially—before an astute shrewd politician and make the sort of confession that Nariman has made.

Nariman has been rightly blamed vehemently by his numerous admirers and thousands of his followers for showing such utter weakness in making such a humiliating confession. But then there are tens of thousands of men and women who more fiercely condemn the man who extorted this sort of confession in order to humiliate and to extinguish the brilliant career of a fellow worker in the cause of his country.

#### DICTATORIAL JUDGMENT ON NARIMAN.

Dr. Indra Narain Sen Gupta issued the following statement with regard to the action taken against Mr. K. F. Nariman in the "Amrit Bazar Patrika".

One naturally feels staggered at the censure of Mr. K. F. Nariman by the Congress Working Committee and his virtual expulsion from the Congress after years of selfless and devoted service. The condemnation and the procedure adopted for it are without a parallel in the Congress annals, as much because of the position of the condemned as of the enormity of the sentence. By his selfless service and sacrifice Mr. Nariman has deservedly come to occupy a distinguished place in the public life of India. At the head of the Congress affairs in his province, he must have all along creditably acquitted himself. Otherwise, how could he deserve a place in the highest Congress Executive and continue in that position for years? The chairmanship of the Reception Committee of the Bombay session of Congress in 1934 also needs mention. In short, Mr. Nariman's has been a name to conjure with.

Yet, the Congress Cabinet, all of a sudden, discovers and expects the public to believe, that the self-same Mr. Nariman is to-day unworthy of holding any position of trust and responsibility. We have read and re-read the findings on which the Working Committee's decision is based; yet we are far from being convinced of Mr. Nariman's fault—much less the justice of his condemnation.

The Working Committee should have thought hundred times before taking the step it had. The removal by the Executive of one amongst themselves is an unheard of procedure and should have been left to the All-India Congress Committee as the only body competent for the purpose. Even so, the condemnation of a person in Nariman's position should have been effected only by the process of impeachment and not by the nook and corner method. The authority that raises its hand in this fashion against such a tried and trusted public worker can hardly escape castigation at the bar of public opinion.

The Congress High Command has however been lately given to high-handedness befitting, in the words of Mr. A. A. Kidwai, the Fascist Grand Council. The Working Committee, they say, can do no wrong. In consequence even an orthodox Congressman like Dr. Prafulla Chandra Ghose has been constrained to charge the Congress President on this score. In view of the turn of events we should be pardoned if we doubt whether we are in for democracy or dictatorship.

What a pity, that in a matter essentially not of much significance Gandhiji himself should become a party. If controversies of personal character like the Nariman-Patel affair, nothing unusual in politics, cannot be set at rest without drastic retributive measures the less we swear about the efficacy of non-violence to bring about a change of heart the better.

Instead of showing any sign of a change of heart the authorities have only betrayed the excess of their ire in twice hauling up Mr. Nariman to the dock on practically the same charge. What is worse still, there is much of Star Chamber method in this summary trial and exparte decision. The Congress Cabinet may not afford to forget that such proceedings are in themselves too odious to carry conviction with the people.

May we not therefore hope that in the interest of the Congress itself the next A.I.C.C. would do the barest justice of revising the decision, so as to restore Mr. Nariman to his rightful position in Congress and public life?

#### NARIMAN VS. SARDAR.

By Hemendranath Das-Gupta, ex-Member, A.I.C.C. in "Amrit Bazar Patrika".

So long the Nariman-Patel Controversy was clouded in mystery. Now that the judgment has been released, the public will be in possession of facts as to how the matter stood.



Messrs. Patel and Nariman are both very honourable men. The former has always been a right hand man of Mahatmaji and not only took a prominent part in the Kaira Satyagraha campaign but also presided over one of the momentous sessions of the Congress. He is still very active and prominent in politics.

The latter too is a prominent figure in Indian politics. He is among a few of his own community who have made ample sacrifices in politics. Next to Mahatmaji, he comes up near to the standard of other presidents of the Congress. He controlled politics in the Bombay Presidency for a number of years.

In case of a controversy affecting two such stalwart figures of the Congress, it needs no gainsaying that no person could more worthily sit as a judge than Mahatma Gandhi. As it is virtually a case of Congress vs. Nariman, the public too have, indeed, a right to review the general aspects of the judgment.

On going through the judgment one, however, wonders whether it is a judgment of a Swaraj tribunal. One only comes across stock arguments, old stereotyped ways of sifting evidence and of weighing probabilities and misses the sympathetic attitude and charitable consideration as are to be expected of a great tribunal or of a sympathetic body of jurors. It is confidently expected that judgment should not only not pronounce guilt against Patel or Nariman but be a decision that should be considered impartial by the public.

To the public, the only issue is—whether the election of a leader in 1937 was influenced by Sardar Vallabhbhai Patel and whether such influence amounted to undue pressure. Mr. Nariman says that it is, while Sardarji says that it is not. To deal with Mr. Nariman's allegation first, it is admitted that when the question of leadership was considered (i) Sardarji would not himself accept the position, (ii) he would neither support Mr. Nariman but (iii) he would have no objection to Kher, if the latter agreed. As only three names were suggested and one would not come in, the choice practically lay between Kher and Nariman. We know that all the four—Sardarji, Sjts. Deshpande, Deo and Patwardhan—were unanimous that Nariman should be excluded.

These three leaders of Karnatak and Maharashtra liked Sardarji the most and with that view they saw Mahatmaji and Pandit Jawaharlal in February 1937. As Sardarji persisted in refusing to accept the position Kher was chosen and the three

undertook to persuade Kher to accept the position. From the very beginning Nariman apparently was in the bad books of all and all discussions either at Wardha or at Bombay or elsewhere went against him.

Let us cite the events as these happened:

On the 2nd and 3rd March the three persisted in inducing Mr. Kher at Bombay.

On 3rd March Sardarji arrived at Bombay.

On 4th March, the three left Bombay and it was decided that they would return on the 11th March, leaving others to persuade Kher.

The conclusion is irresistible that even if the three had not left the matter in the hands of Sardarji when they left on 4th, they must have seen and consulted him.

The other incidents in this connection are as follows:—

Sardarji was at Bombay upto 12th.

On 9th March, telegrams were sent to these leaders by Sardarji. These telegrams were mostly relied upon by Mr. Nariman but the judgment is to the effect that in view of the explanations of the three gentlemen on 9th and 11th June, and of the letter of Pandit Jawaharlal dated 17th June any reasonable person would have been satisfied.

But to continue the diary—

10th March—The elected members of the Bombay city under the leadership of Mr. Nariman wanted to be unanimous in the choice of the leader. This Mr. Nariman communicated to Sardarji and asked him to consult the leaders of Maharashtra and Karnatak—evidently Messrs. Deshpande, Dev and Patwardhan.

11th March—Maharashtra and Karnatic members arrived at Bombay and put up at the house of Sardarji on the night.

The most important point is what actually happened there at night? The statements are very different. But two things are admittedly very clear:—

(1) In that meeting between leaders and members at the house of Sardarji, some leaders expressly stated that in the opinion of Sardarji, Mr. Nariman was not desirable. The names of Mahatmaji and Pandit Jawaharlal were also invoked to support that Mr. Kher was approved and Mr. Nariman was not approved.

12th March—Meeting of legislators. The statements of some of them go to show that when they asked Sardarji why Mr. Nariman should not be elected he is said to have stated that he did not want Mr. Nariman to be the leader.

These are undisputed facts and though a verdict of not-guilty may be put in favour of Sardarji one would have expected the judgment also to state that Mr. Nariman had not an unjustifiable or unreasonable cause to apprehend that the legislators were really influenced by Sardarji.

As a prominent leader, if Mr. Patel had a right to express his own opinion leaving the legislators to decide as they pleased, one fails to understand how he could allow the legislators on the night of the 11th to stop at his house where some leaders freely reiterated Sardarji's view. Even the opinion of Mahatmaji and Pandit Jawaharlal was brought in that they wanted Kher. They expressed great confidence in Sardarji and left for their districts on the 4th after Sardarji arrived in Bombay on the 3rd. For Sardarji not to allow the nocturnal discussions in his presence and in presence of the leaders who tried so much for Kher would have been proper. The fact that the last private meeting was held at the house may not unreasonably lead to the impression that it was not unlikely that there was influence from such a person of the position of Sardarji even without any threat or coercion was undue. This, along with the absence of the contents of the telegram of 9th, weighs more in favour of Mr. Nariman.

Mahatmaji, as a lawyer, might too have insisted on the production of the contents of the document and might not have been satisfied simply with the explanations of the addresses or even with a letter from Pandit Jawaharlal. In law, the contents of a document without the production of the document itself are at best secondary evidence. In this case, it could have been arranged that the telegram itself be brought from the Telegraph Office.

From all these circumstances although to prove guilt against Mr. Patel requires the highest degree of probability, there is nothing in evidence or in probabilities to exclude the inference that Mr. Nariman had a reasonable grievance that undue influence was exercised against him.

Let us consider the question as to what the objection of Sardarji was to have Mr. Nariman as the leader in the Assembly. Mr. Nariman was undoubtedly an outstanding figure in

the political life of Bombay. He was the President of the Bombay Provincial Congress Committee, he had been the Congress Mayor of the Bombay Corporation, he had also been the President of the Congress Parliamentary Board and in all these capacities he rendered yeomen's service to the Congress cause. He is a consummate speaker and his grasp of things is masterly. Besides, he is practically the only one of his community who made tremendous sacrifice in the Congress cause. Despite all this, Sardarji might have reasons for his dislike. Were these political, communal or personal? As to communal every one should be thoroughly satisfied that a communal spirit was maliciously spread by irresponsible persons and Mr. Nariman rightly and frankly admitted that Sardarji was not actuated by any communal spirit.

As to "political", Sardarji says that Mr. Nariman's conduct was unsatisfactory during the elections of 1934. On going through the evidence Mr. Nariman was feeling rather guilty in mind that he signed a paper containing wrong address and to him, as a lawyer, it was almost the same thing as recording or giving a false vote. Yet from a consideration of all circumstances one can not differ from the findings of Mahatmaji that Mr. Nariman was guilty of wanton negligence, utter carelessness and gross ignorance of rules.

A large number of the public, however, consider this is a side issue and should not have been introduced to cloud the main issue of 1937. There have been many instances when a Congressman has not strictly followed the rules or party decisions. But the question is how he was dealt with. In this case if Mr. Nariman's act amounted to betrayal of trust, how is it Sardarji did not then bring it to the notice of the Working Committee or A.I.C.C. of which Nariman was a member? Why were no steps taken against him in Bombay? As a matter of fact, he continued

be the President of the Bombay Provincial Congress Committee. He even got a nomination to stand as Congress candidate for the 1937 election. If the Sardar waived his objections on all occasions for long three years, how is it that the Sardar puts forward his adversary's conduct as a ground for not accepting him in 1937? The reasons after so long a time when no steps in the intervening period were taken, can not therefore be political.

If the first two reasons fail, the third remains and that was—was the Sardar justified to ignore the claims of Mr. Nariman on these grounds? To us it appears that Mahatmaji might

not have laid so much stress after so long a period on the incidents of 1934 to which none took exception then. There is the orthodox bureaucratic way of hanging a man on the ground that if he is not wrong now, he was so some years ago. The whole country, indeed, would be mortified to find that Mr. Nariman could be so negligent in his duties.

A last charge is—unworthy of betrayal of trust the extreme punishment is hardly called for more particularly after a long period of three years.

A last charge is—unworthy of his position Mr. Nariman was vacillating and moving. If he left the matter to be decided by a tribunal of his own choice—there could not be any better tribunal than one formed by Mahatmaji—the recantation has been most undignified, and the country is shocked. It was not unlikely, that it was forced by the importunity of news-agents. In the circumstances, would it not be affectionate and kind of Mahatmaji to call Mr. Nariman to his presence taking him to task for his childishness and to enquire if he persisted in putting the whole case before the A.I.C.C. or the Working Committee. The facts are that Mr. Nariman is said to have recanted on the 16th October and he came here (Calcutta) on the 28th October when the Working Committee was sitting. He was here on the 29th, 30th and received an ovation on the 31st November. All these days voting took place and when he left for Bombay the Working Committee met and considered him unworthy of any office or trust without finding fault with the decisions of the Working Committee? How could again the first rate leaders of India could be parties to this? If it is considered that the matter should be re-considered by a fresh tribunal it is upto Mahatma to declare so. This will leave a most favourable impression in the public mind of the judiciary of a Swaraj Government and is sure to win the love and respect of all.

#### STRAIGHT QUESTIONS TO MAHATMAJI.

From: Mohanlal Ghandhi S.T.C., S. Mirehandani, Bar-at-Law; Pursram Shani, Bar-at-Law; Popatlal Mansukelal; C. Roy; Mafatlal Dayabhai; Jayshanker Daftary; R. Parulkar (Advocate); S. Patankar, M.A.; L. Bhatak, B.A., LL.B.; K. R. Jayakar, A.R.I.B.; R. Advani, G.D.A.; B.A:

Dear Mahatmaji,

We have read your statement together with the statement made by Mr. Nariman. We are positively sure that you have

acted in such a way as not to leave the slightest doubt as to the straightforwardness of your dealing with Nariman, though we may confess that it was a painful surprise to Bombay public.

With all humility at our command, we beg to address this letter to you, imploring you to make this mystery clear, by issuing statement which will throw some light on this hush hush topic. Pray, Mahatma, do not consider us rude if we venture to put you some questions, requesting you to clear the atmosphere by answering them through press for the good of public.

What we and the public of Bombay cannot understand, is why and what for Mr. Nariman was allowed to remain in such a high position as President of B.P.C.C. till this very day? Why was he made the Chairman of the Reception Committee of the Congress, second highest position after the President of the Congress? Why was he allowed to be elected the Mayor of Bombay on the Congress ticket?

All these high positions he was allowed to occupy after the fateful year of 1934. May we enquire of you or shall we say, may we beg of you why the high command and yourself allowed Mr. Nariman to enjoy all these high offices of trust? Why it was not considered right to put his case before the high command or the Working Committee? Was there any particular reason to have allowed this most important enquiry of 1934 to hang fire till 1937 and wait till such time the Congress Ministry to come in power? Would you have dear Mahatmaji kept quiet even if the Congress would have come in power in 1940 or 1950, and would you have allowed Mr. Nariman to go on filling more and more important positions, and allowed him even to be the President of the Congress?

Suppose Mr. Vallabhbhai had not interfered in selection of the leadership, and if Mr. Nariman would have been elected premier, would you have then brought in the incident of 1934? If you would have then ignored it, would it be fair? Mahatmaji, you are a great lover of truth, as to this there is no doubt about it, can you inform us, will you have considered the incident of 1934 at any time, if Mr. Nariman may not have insisted on enquiry? Can you, beloved Bapuji, inform the public why this incident of 1934, to which so much weight and importance are attached now was allowed to be shelved till four years? Was this incident considered of no great importance till August 1937, and has it come into very great importance only because Bombay papers insisted on enquiry?

Public of Bombay is of opinion that the incident of 1934, came into importance because the public made a demand for public enquiry as to whether Mr. Vallabhbhai did interfere in election or not. If the Bombay papers had not raised their voice, the enquiry would never have become an established fact, and then the incident of 1934 would have paled into insignificance. From the above the public of Bombay would like to know from you, dear Mahatmaji, whether it is a fact, that Mr. Vallabhbhai having known the incident of 1934, did not like Nariman to hold the post of the leadership and he therefore moved heaven and earth to gain his object, thinking that what he did was in the interest of the Congress. If this is so why he has not the moral courage to come out boldly, rather than rake up the dead incident of 1934. If he would have placed the incident of 1934 before the public the public after hearing Mr. Nariman, would have surely given their independent verdict, and if Nariman was found guilty, would have surely given credit to Mr. Vallabhbhai, for his bold fight.

We do not know how far it is true, but the rumour is that and that too, some of us have heard it in High Court Library that after finding Mr. Nariman guilty of negligence, Mr. Bahadurji had also written in the statement that Mr. Vallabhbhai was wrong to interfere in the election. We do not want to give any credit to such rumours, but it stands to reason, that Mr. Vallabhbhai after knowing the incident of 1934, if he allowed the election to take its natural course, Nariman surely would have been chosen as premier, and that is why Dr. Chandulal drew Vallabhbhai's attention, and made Vallabhbhai send the two telegrams. What could be the idea of hiding this, we cannot understand, if Vallabhbhai really thought Nariman to be guilty of underhand methods in 1934?

So may we again request you, Mahatmaji, to inform the public why the incident of 1934, which was considered of no importance had come so suddenly in importance after the period of four years. If you please do not want to publish the statements of Mr. Bahadurji and your good self, issue another statement for the benefit of the public.

Can public be informed why Mr. Nariman who insisted on public enquiry for five months, and challenged to prove the allegations made against him in 1934, suddenly became so meek and timid accepting all the charges? Did he not know as a great lawyer that silence was gold, and he had no case? He

fought against Government in Back Bay case, and came out successful without the help of any one, he fought for motor tax bill, such a lawyer, cannot see how far he should go, and what for he wants an enquiry in 1934, and in 1937, if he has nothing to stand on. How can Bombay public swallow all these and much more, if there is no light coming from the much awaited enquiry of Mr. Bahadurji and yourself?

May we draw your attention, dear Mahatmaji, that when Mr. Nariman asked for enquiry, he was refused, and refused for five months, till such time the "Bombay Sentinel" took up the question and made the settled fact, unsettled and enquiry was agreed upon. Now do not you think that enquiry which was taken up by the agitation of papers, that these papers should be informed the result of this enquiry.

Taking for granted that Nariman was found wrong on all counts, as he himself also gives us to know, do not you think, that he has been very cruelly treated, by asking him to sign such an abject statement? Consider Mahatmaji, if in Nariman's place Vallabhbhai had come, or any other leader of your Working Committee, would you have made him bow so low? Dear Mahatmaji we know you to be the greatest man living in the wide world, we know you to be all love, your sacrifices for India are untold, you are generous and kind and loving, is it right for such a great man to crush, or allowed to be crushed a patriot of the type of Vir Nariman who worked for 25 years for the good of the country day and night, giving his all, giving his best years of his manhood?

Are such noble sacrifices forgotten so soon? By making him so helpless you have made Bombay public helpless, and how can you expect Bombay public to resume "the usual zest and joy?" This blow to our hero, is "the most unkindest cut of all." Suppose in place of Nariman there was a Muhammedan or a Sikh, or a Harijan leader of the same fame as of Nariman, would you have dealt such a crushing blow? We have experience and from such experience we say, "Never such a crushing blow would ever have been given." We wonder, what will be Bombay politics without Vir Nariman. Shall we write, and assure you that till this day we have not taken any part in this wretched topic, and in fact we have no grudge against Mr. Vallabhbhai.

Dear Mahatmaji, excuse us if we have annoyed you! We very sincerely wish, you will try to issue a statement to pacify the injured feelings of the Bombay public.



From: M. N. Talpade, LL.B.; K. V. Rege, LL.B.; A. S. Madan, LL.B.; S. B. Mistry, LL.B.; A. R. Hate, LL.B.; B. N. Deshpande, LL.B.; D. D. Vania, LL.B.; F. K. Boman-Behram, LL.B.; Y. Gopalan Nair, LL.B. and others.

We have carefully read and studied the opinion of Mr. S. G. Velinker, Bar-at-Law. It is so thorough, exhaustive and accurate, that no lawyer having any knowledge and experience of Criminal Law, could differ from it.

It is obvious from that very learned opinion, that grave injustice has been done to Mr. K. F. Nariman, perhaps inadvertently, due to a transparent legal error of the Tribunal.

The legal conclusions on which it mainly blames Mr. Nariman and makes grave charges of abandonment and neglect of Congress cause, are so obviously wrong that lawyers cannot but feel surprised as to how Mr. Bahadurji, a senior and experienced member of the High Court Bar, could have committed such an error.

However, such serious blunders are often committed even by clever and senior lawyers and judges, particularly when they deal with a subject in which they have not much experience. Mr. Bahadurji's long career has been to a large extent, confined to the Civil side and as such a 'bona fide' mistake, whilst handling a complicated criminal point, is quite possible.

But now that his attention has been pointedly drawn to this fatal defect in the judgment, we feel he will regard it to be his duty, both as a responsible lawyer and a patriotic citizen, to reconsider and review that aspect of his own judgment, in view of the new light thrown on it by one of the most experienced and competent criminal lawyers in the country.

We appeal to him in the larger interests of the City and Country, not to be a party or instrument, howsoever innocently, in ruining a promising political and public career, and thus knowingly perpetrate the grave injustice, even after the error has been brought to his notice.

There have been several noble instances, when fair-minded judges, even after delivery of judgments, being convinced of their own errors, have themselves moved higher Courts, to set aside their judgments and thus prevent injustice inadvertently done being perpetuated.

Mr. Bahadurji will, we hope, realize his grave responsibility on this occasion and not allow any consideration of his own prestige, to come in the way of his doing the only right thing, that is expected from a citizen of his position and standing; he will also realise that he has been the innocent cause of the ruin of a faithful and devoted public servant, because, we believe, it was on account of this legally erroneous view in the award, which induced the Working Committee to take such a drastic step against Mr. Nariman.

In the award he remarks "the consequence of such a withdrawal was that he (Mr. Nariman) put himself out of the election. Could such an act (i.e. act of withdrawal) be described otherwise than as an abandonment of the cause of the Congress?

It is thus clear that the burden of the condemnatory award is largely based on this act of withdrawal, which according to Mr. Velinker's opinion, was not only justified, but under the circumstances, the only correct step to have been taken, both for a responsible Advocate, and a gentleman and public man of Mr. Nariman's standing and position; the act of withdrawal was both regally right and therefore morally correct.

Under the circumstances we humbly, earnestly and publicly appeal to Mr. Bahadurji, to reconsider the position with an open free and dispassionate mind, and if he feels convinced of his legal error, then to show his usual moral courage to confess it, and thus render a great service to the City and Country, by undoing the harm and injustice which we believe has been done to one of the most useful and trusted public worker like Mr. Nariman.

We hope he will rise to the occasion and respond to this appeal.

May God give him wisdom and strength to do the right thing at the right moment.

#### CRUCIFIXION OF NARIMAN.

From: A. D'Souza.

Although much has already been said on Nariman issue ere and after Mahatmaji sat in judgment, the verdict itself has opened a new gap of argument, argument having been provided by the expression of opinion by Mr. Velinker. Mr. Velinker, has



We do offer you our heartfelt sympathy Vir Nariman not in your loss but in your sorrow. It is a coincidence that you should have picked up enemies from within a fold wherein you tolled, preached and directed—but one can easily forecast that this condemned man will rise again and form a new fold acceptable to all classes when Judas may strangle himself to death. Amen!

LADIES WRITE OPEN LETTER TO NARIMAN.

From: Lilavati Nursy; Manibai Nilkanth; Hiravati Keshavlal and Lilla Ranegar.

Dear Mr. Narman,—We have been reading your statements and also the statement made by Mr. Velinker, the well-known lawyer of Bombay. So far public is concerned, we assure you that ever since the publication of Mr. Velinker's learned and judicious statement in details, which has torn to pieces the unwise and meaningless judgment of Mr. Bahadurji, the public require no further statements from you.

Let us be frank with you, in telling you straight away that you were hunting for trouble when you asked for enquiry, you were courting distress when you asked for justice from leaders.

Your love, faith and trust in Gandhiji was so great that you wanted him to sit in judgment, but you forgot Gandhiji as a politician from Gandhiji as a Mahatma. When latterly you were given to understand how Gandhiji was inclined, you wanted to get out from his clutches, but Gandhiji will not allow you your way. Then you should have allowed him to do what he liked, rather than submit to his threat. You as a clever lawyer should have known better that in politics to ask for justice is to ask for the moon.

As long as Gandhiji and Jawaharlal wanted you for certain purpose, they had you. You are not a politician whereas Vallabhbhai is, because you are too honest and sincere, whereas Vallabhbhai can stoop to anything to meet his end. If you were wise enough to be mean, and helped Vallabhbhai in his ways, Gandhiji would not have even thought of 1934 incident, as he and Working Committee never thought from 1934-37. In politics you should be prepared to be dishonest, then only you are successful, and earn the name of a great diplomat. Look to Gandhiji, when occasion arises, he becomes the virtual dictator of Congress, Working Committee, and the A.I.C.C. and Panditji has to obey

his dictatorial command, and on the other hand when it suits him he very often says he is not even a four anna Congress member.

Did you not know, that Jawaharlal and Working Committee were waiting for any excuse to hang you? This they got very readily as arranged before from the Apostle of Truth, by that crushing note, no sooner your back was turned on Calcutta. They had not the courage to challenge you when you were there!

Nariman, let us tell you straight away that you were not clever enough to put your case properly, you had confused your case from the very beginning. In our opinion you should have resigned your post immediately you came to know the plot of Vallabhbhai, and the mind of Jawaharlal. Did you not know that Vallabhbhai had the backing of Jawaharlal and Gandhiji to find out some one in your place? This is clearly shown in unbalanced judgment of Mr. Bahadurji.

Did you also not understand that Bahadurji as an independent lawyer refused to have his hand in this controversy when you approached him, but when Bahadurji was given protection by Gandhiji, Bahadurji as a dependant lawyer to please Gandhiji took up the task, and worked accordingly to the instructions. This was so plain enough to laymen like us. How was it, that you did not know how the matter was taking shape? If you were not able to think for yourself, you should have taken advice of some one.

It is quite obvious that you were not able to think for yourself, considering the way you were persecuted and cornered by Working Committee, Jawaharlal and Gandhiji. Why should you have thought of remaining in a position where the leaders did not like to have you? You cannot fight with a whale and at the same time remain in sea.

Your popularity was the chief cause of your downfall, and this has been proved by the utterances of Jawaharlal, Bhulabhai, and Gandhiji.

Let us remind you of what Jawaharlal told you when you were in Delhi. He gave you to understand that there would be no enquiry as such an enquiry was never heard of. Then he went on with his usual stock phrase "what is all this pother about" till such time he was forced by the public opinion to give you an enquiry, the result being a foregone conclusion. Could you expect justice from such a leader?

Now let us see Bhulabhai! How keenly he was watching for an opportunity to hurl insult in your absence, by preaching "Cod of Honour". You had worked as a patriot for 20 years. Bhulabhai was aware of this fact, yet he had not a good word for you 20 years services, just as Miss Mayo who came from America and travelled throughout India, did not see or find a single good trait in Indians, except all their short comings.

We should like to know how in this case Gandhiji would like to call Bhulabhai.

Now lastly we come to Gandhiji, the Apostle of Truth. He gave you a bit of his mind by writing to you that his silence was in your favour. If you back out of enquiry it will go against you. You must appoint Bahadurji and Gandhiji as a tribunal.

You should have known that Gandhiji was not your sympathiser. He did not like Bombay papers attacking his life long friend Vallabhbhai the mischief-maker. Therefore you must pay penalty for the attack of the press. You should have thought twice when you had put your case in hands of men dead against you. Did you not see how Gandhiji was overjoyed when you put your signature on your death warrant written out by him? Did you not see what pride he took in calling Bahadurji's worthless judgment to be judicious.

#### NARIMAN'S SELF-ABNEGATION.

From: D. Dinshaw.

In the last statement of Mr. Nariman in the Press "Who abandoned the Congress" he has made a touching reference to the disinterested nature of his public service. I think it is due to him and the public that I should disclose a certain fact pertinent to that subject. At the close of the long drawn out Harvey-Nariman case, the late Mr. F. E. Dinshaw, the lamented Merchant Prince and Patriot, was so favourably impressed by his ability and wonderful achievement that he and three other equally philanthropic and appreciative friends offered a sum of Rs. One Lakh to Mr. Nariman as a donation for the out of pocket expense and actual loss he had sustained in conducting that case.

Mr. Nariman had completely suspended his thriving practice for over a year and besides it was well known that he had to spend a lot to collect such valuable material and fight single-handed such powerful opponents; it was a generous offer spon-

aneously made, actuated by a high sense of appreciation. There was nothing sinister or underhand in that offer, still Mr. Nariman refused that most generous offer with thanks and told his friends and admirers that he would not lower the high standard of public service by putting a money value on it.

I remember late Mr. Dinshaw's tribute on that occasion. He said "Find me another man in the country who could resist such a temptation and possessing such high ideals and standard of public service". I am sure many friends of late Mr. Dinshaw know about this incident as he often referred to this in appreciative terms. To cast aspersions on such crystal-clear character which is unmatched and unparalleled in the country is meaner than a futile attempt to throw mud on glittering sun. The mud will recoil on dirty maligners and soil their faces.

### SARDAR IN BLUNDERLAND.

From: A. D. Bhatena.

Some years ago, I read "Alice in Wonderland". My sense of justice was then tickled at the doctrine: "Punishment first, trial afterwards". To-day after knowing its full application in the Nariman incident, it is tickled all the more. In fact, I am almost tempted to write: "A Sardar in Blunderland."

Punishment first: and so was Nariman punished for a supposed crime. "Trial afterwards": and indeed he was tried before that august tribunal whose decision was a foregone conclusion and whose claim to impartiality, truth and justice is an exploded myth.

It was given only to a "Sardar" to punish this supposed culprit in a manner unique in history, both known and unknown. For, search where you will—from Gibbon to Pundit Nehru—history has no such record of butchered innocence and strangled justice.

Nevertheless, if ever there was a doubt as to the innocence of this victim, that doubt has been clearly dispelled by the searching analysis of Mr. S. G. Velinker and the impartial verdict of the ballot box only a week ago.

Thus, the doubts of doubting Thomas have been laid at rest, and Nariman has come out of the ordeal of fire unscathed.

Let us congratulate him saying: "One hour of crowded glory is worth more than an age without a name." To Nariman, that "hour" was twelve midnight of last Sunday when he entered

the Congress House only to be told that he had succeeded in thumping majority.

He should now no longer knock at the door of Anandwan for justice.

What has the Sardar to say apropos this recent verdict? we find him struck dumb, shall we approach Gandhiji in Palms of Juhu? For, contrary to his weighty advice, the public has once again decided that Nariman can be given a reprieve of "responsibility" and "trust". May be that Gandhiji bows head before the will of the voters or, like his satellite Sardar treats it with contempt, and again brings in his worn-out plea that "Bombay is not Bombay Presidency".

If, however, the apostle of truth cares to test the validity of his poser, let him put it to the acid-test of a province-wide referendum. And, if its verdict tears his poser to pieces, he must be ready to right the wrong done to Nariman while still there is some sand in the glass.

As for the Bardoli Sardar, suffice it to say that he sows wind now to reap only whirlwinds hereafter.

**BESIDES THESE NUMEROUS ARTICLES ON THE SUBJECT APPEARED IN THE GUJARATI AND MARATHI PRESS MOST PROMINENT OF THEM BEING THE "JAME-JAMSHED", "SANJ VARTAMAN", "BOMBAY SAMACHAR" AND "KAISER-I-HIND" THE PIONEER PARSII PAPERS OF BOMBAY, WHICH FOR MONTHS TOGETHER EXPRESSED THE WOUNDED FEELINGS OF THE COMMUNITY, AT THE CRUEL TREATMENT METED TO ONE OF THEM AT THE HANDS OF THE CONGRESS HIGH COMMAND. SOME OF THE CARTOONS APPEARING IN THE "JAME-JAMSHED" WERE GREATLY APPRECIATED BY THE PUBLIC OF ALL COMMUNITIES.**



